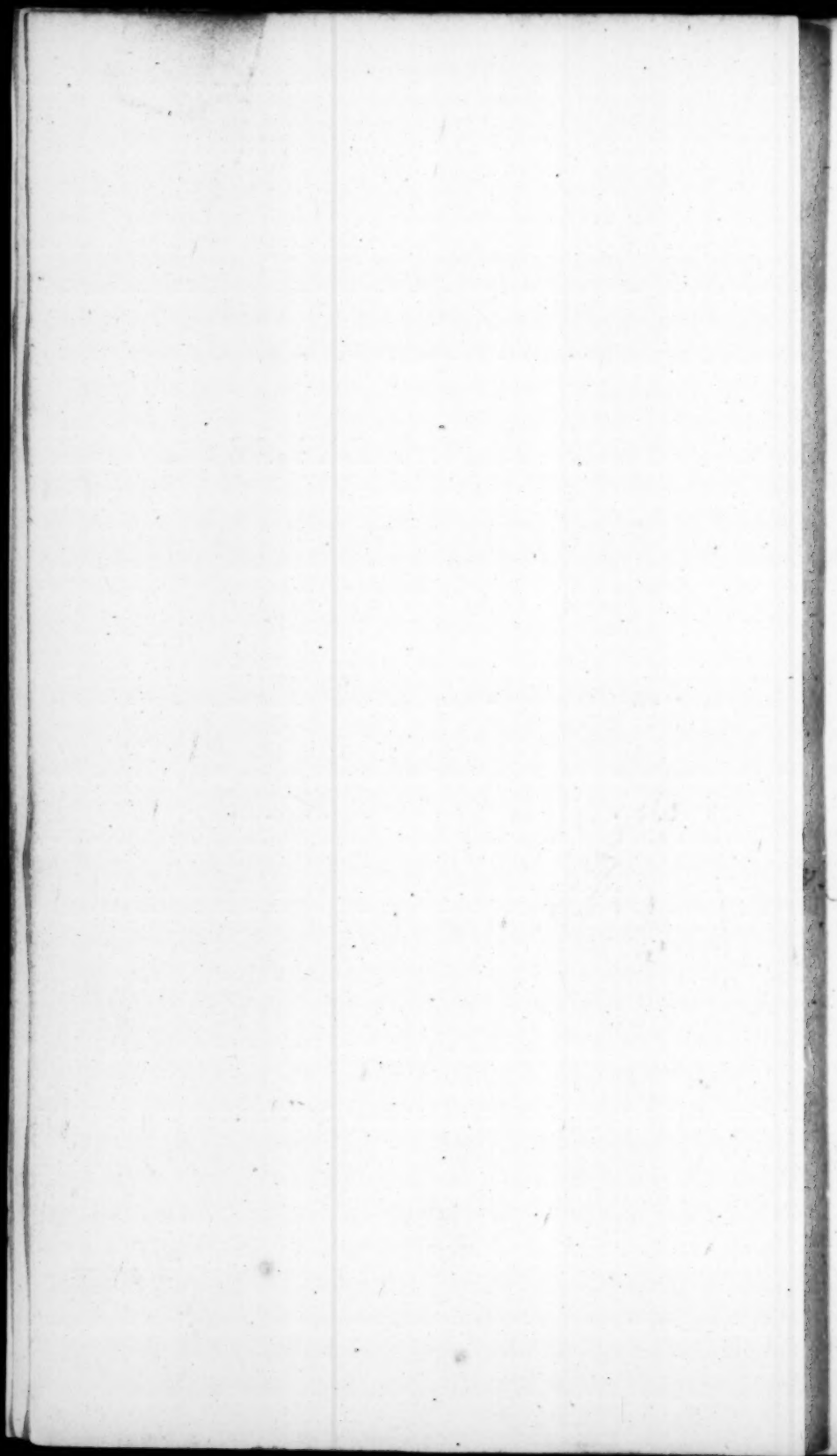


FREE THOUGHTS

ON

DESPOTIC AND FREE

GOVERNMENTS.



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FREE THOUGHTS

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DESPOTIC AND FREE
GOVERNMENTS,

AS CONNECTED WITH

THE HAPPINESS

OF THE

GOVERNOR AND THE GOVERNED.

J. Townsend

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B O O K I.

The Nature and Effects of DESPOTISM, compared with the Nature and Effects of a FREE GOVERNMENT.

INTRODUCTION.

ON THE HAPPINESS OF A DESPOTIC SOVEREIGN.

OF all the passions which possess the human heart, none is more insatiable, none more despotic in its empire, than the lust of power; and none has brought greater or more numerous evils on the human race. If a man be immoderate in his love of pleasure, he may lose

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his time, waste his substance, and destroy his health: if he be too eager in pursuit of wealth, he may use some dishonourable means of acquiring it; and if he be a miser, he may be unwilling to enjoy it when acquired: if he be fond of the bubble honour, he may seek it even in the cannon's mouth. But what are all these evils, when compared with those which have been brought upon mankind by the restless ambition of unhappy mortals, hurried away by their inordinate love of power? Blinded by this passion, they have grasped the pillars of the state, brought down destruction on themselves, and buried nations in the ruins. Such wretches, though admired by fools, must be held in execration by all good men; while, on the other hand, they whose highest ambition is to subdue their passions, to govern all their actions, words, and thoughts by the rules of reason and religion; who wish only for the power of doing good to all mankind; these are worthy of our highest reverence and esteem. These are the truly happy; in whatsoever stations of
life

life they are placed, or in whatsoever spheres they move, they must be happy themselves, and, like the sun, diffuse happiness all around them. Without this divine temper no man can be happy. Though he could seat himself on the throne of the universe, though he could bring in a revenue of glory from the most distant stars, though he should not keep from his eyes whatever they desire, neither withhold his heart from any joy, yet must he confess himself dissatisfied in his possessions, and disappointed in his expectations. Destitute of that heaven-born temper, a universal benevolence embracing the whole human race, he must be wretched; and, having not a hope beyond the grave, a hope full of immortality, every thought of dissolution must help to make him miserable.—When men of an ambitious mind have been taken from private life and seated on a throne, or, being seated on the throne of a limited monarchy, have been able to shake off all restraint, and wield a despotic sceptre, the sudden blaze of glory has dazzled

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their imaginations, and made them happy for a day; but after having passed one night under the royal canopy, they have risen with other thoughts, for they found their pillow strewed with thorns. Cicero gives us the most striking anecdote of Dionysius, tyrant of Syracuse, which beautifully confirms this observation.—From a private person he became chief magistrate at Syracuse, and by degrees assumed despotic power. Conscious that he had incurred the hatred and abhorrence of his much-injured countrymen, he could not but look on them as his enemies, and therefore fortified himself against them in a strong citadel, where he lived as in a prison. This citadel he garrisoned with foreigners. As he could not esteem any man his friend, who either valued liberty, or deserved it, he was surrounded only by trembling slaves and sordid flatterers. Neither his citadel nor his guard of foreigners could preserve him from the most tormenting and unremitting fears. One of his courtiers, named Damocles, was perpetually extolling with rapture
his

DESPOTIC SOVEREIGN. 5

his treasures, grandeur, the number of his troops, the extent of his dominions, the magnificence of his palaces, and the universal abundance of all good things and enjoyments in his possession; always repeating, that never man was happier than Dionysius. "Because you are of that opinion," said the tyrant to him one day, "will you taste and make proof of my felicity in person?" The offer was accepted with joy. Damocles was placed upon a golden bed, covered with carpets of inestimable value. The sideboards were loaded with vessels of gold and silver. The most beautiful slaves, in the most splendid habits, stood around, watching the least signal to serve him. The most exquisite essences and perfumes had not been spared. The table was spread with proportionate magnificence. Damocles was all joy, and looked upon himself as the happiest man in the world; when, unfortunately casting up his eyes, this happy man beheld over his head a glittering sword, which hung from the roof only by a single horse-hair. He was immediately seized with a cold

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sweat ; every thing disappeared in an instant ; he could see nothing but the sword, nor think of any thing but his danger. In the height of his fear, he desired permission to retire, and declared he would be happy no longer *. The feelings of Dionysius were not in kind peculiar to himself, they are in a degree the feelings of all usurpers, of all who, thirsting after despotic power, have robbed the people of their most sacred rights. Though the wise and well-established monarch has nothing to apprehend ; the sovereign who has but just established his absolute dominion *must* have every thing to fear. His tenure is most precarious. This day every knee may bow before him, to-morrow he may be a fugitive, or prisoner, and the next may expire on the block.—Should this event however never happen, yet the possibility of it must fill his soul with terror, and embitter those very moments when trembling slaves bow down before the throne, or sordid flatterers with their adulations seek to charm

* Cicero Tusc. Quest. l. 5. n. 61, 62.

DESPOTIC SOVEREIGN. 7

the ear of majesty *.—While their country's wound yet bleeds, monarchs must tremble at the name of Brutus. While the keen sense of the recent loss they have sustained is yet fresh in the people's memory, monarchs must often be revolving in their minds the fate of former monarchs. If the *monarch* has cause to fear, how much more the prince who aims at monarchy, while the contest yet subsists; while the event is yet uncertain? What tumultuous thoughts must haunt him at the midnight hour! But what is it for which kings have bid so high, for which they have ventured all; their crown, their blood? What is it for which they have subjected themselves to the execrations of their subjects? What is it for which they have shed their country's blood? Only that they may indulge their most unreasonable imaginations without controul,

* Neque frustra præstantissimus sapientiæ firmare solitus est, si recludantur tyrannorum mentes posse aspici laniatus et ictus; quando ut corpora verberibus, ita sævitiâ, libidine, malis consultis, animus dilaceraretur. Tacit. Anal. l. 6. c. 6.

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and have it in their power to say, *Sic volo, sic jubeo, stet pro ratione voluntas.* i. e. "Let my strength be the law of justice*;" only that their subjects may become their slaves. Unaccountable ambition! that a prince should choose rather to be feared than loved; dreaded than revered; the object of abhorrence than the object of delight! that a sovereign should wish rather to reign over the bodies, than in the minds of his subjects; over base and abject slaves; rather than over generous freemen. This pleasure, such as it is, must soon lose its sweetness. It has universally been experienced and acknowledged that our happiness depends not on possession, but on our prospects and pursuits. "Man never is, but always to be blest." When the sovereign has established a despotic power, disappointed, he must endeavour to extend his empire, and, if he cannot exalt his throne, he must depress his subjects till he has reduced them to the most abject state of vassalage. But

* Wisdom ii. 11.

will

will his happiness be increased thereby? Can any prince imagine that the Empress of Russia is happy in proportion to the extent of her boundless empire, and the boundless authority she exercises in that empire? No doubt Lewis the fifteenth of France thought he should be happier, when the authority of his parliaments should be abolished, and his power as monarch should be completed and established; but can any man, unless a stranger to the very nature of human happiness, imagine that his happiness was increased thereby? Had he lived, he might have found some Mordecai in his own dominions, or if not, at least he would have been equally anxious to have extended the bounds of his empire, and increase the number of his slaves, as he had been to extend his authority in his own dominions.—Could a sovereign, in pursuit of happiness, extend continually the bounds of his dominion, till he remained in peace the absolute and sole monarch of the world, from that moment he would be miserable,

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miserable *, unless his happiness should be diverted into some other channel. As all human happiness depends on our prospects and pursuits, such noblemen as are intrusted with the education of the heir apparent to the crown, should be very careful to give him prospects and pursuits worthy of a great prince. If such noblemen have any regard for their own honor, the happiness of their royal pupil, or love for their country, they should endeavour to instil into his mind sentiments of true dignity, and teach him to pursue his own glory, by promoting the happiness of his subjects. In this pursuit he must be happy, supremely and permanently happy; as the longest life could not bring him to the end of his enjoyment. Such a prince would reign in the

* The ascent to greatness, however steep and dangerous, may entertain an active spirit with the consciousness and exercise of its own powers: but the possession of a throne could never yet afford a lasting satisfaction to an ambitious mind. This melancholy truth was felt and acknowledged by Severus. Satiated with power, all his prospects of life were closed. Gibbon, *Fall of Rom. Emp.* ch. 6.

affections

DESPOTIC SOVEREIGN. 11

affections of his people, would be the delight of his subjects, the admiration of all mankind ; and the noble philosopher, who had formed his infant mind, would be had in everlasting remembrance*.

The preceptor who shall teach his royal pupil, that power and happiness are connected, and, under the idea of being his own minister, shall lead him to establish an arbitrary power, will be an enemy to his prince, a traitor to his country, and the execration of all honest men.—How much more glorious is the memory of that prince, whose study was to be the father of his people, and to establish their liberties on a firm foundation ; than of those whose only aim was to sap that foundation, and be the absolute lords and masters of dependent vassals ! The name

* The mind of Dion was formed by Plato ; this philosopher bestowed much pains also in humanizing the younger Dionysius, even at the hazard of his life, and would have taught him to find his own happiness in making a free people happy by his wise and equitable government. On the godlike Dion his pains were well bestowed, on Dionysius his labor was in a great measure lost.

of

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of Alfred will be revered, I had almost said adored, long as the world endures. While the memories of Edward II. Richard II. and all the Stuart family, must rot and stink in the nostrils of posterity.—Have sovereigns no conscience of right and wrong, of justice and injustice? or do they look upon themselves as free from every bond, not accountable for their conduct to the King of Kings, and Lord of Lords? Do they never consider for a moment, that they must one day stand at the dread tribunal, where there is no respect of persons, where they will be upon a level with the meanest of their subjects? Whence is it then that they have been so ready to violate their oaths? Whence is it, that, while punishing robbery in others, they have been guilty of robbery themselves? Whence is it, that, condemning sacrilege, they have robbed the people of their most sacred rights? Whence is it, that in their most unjust pursuit they have shed the blood of their best subjects and most virtuous citizens? In every part of the globe have been seen
Rachael's

DESPOTIC SOVEREIGN. 13

Rachael's mourning for their children, and refusing to be comforted because they are not. Widows and orphans join together in calling for vengeance on these enemies of the human race.—Their cries shall reach the Judge of all the earth, and though these ambitious mortals “exalt themselves as an eagle, and set their nest among the stars, thence shall they be brought down *;” for dust they are, and unto dust they must return; they shall descend to the silent grave, “where the wicked cease from troubling; where the weary are at rest; where the prisoners rest together, and hear not the voice of the oppressor †.”—And when the time shall come, that time shall be no more: with wonder and astonishment shall these haughty monarchs hear the arch-angel's trumpet sound, and summon them to stand before the judgement-seat! With indignation shall they see those who were wont to tremble at their frown, now standing as their accusers!—But let us

* Obadiah 4.

† Job iii. 17, 18.

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turn away our eyes from the concluding scene.—How little are monarchs to be envied ; surrounded by none but those, whose interest it is to flatter and deceive them ! while, like the rest of men, they are too ready to deceive themselves.—There is no doubt that many sovereigns, who aspire after a despotic power, may persuade themselves that they seek that degree of power only for their country's good. Alas ! then they do not consider, that the next monarch may abuse that power to his country's ruin. It was not in the power of Cyrus to beget a Cyrus. The chances were more than ten to one that his son would be a wretch ; and such Cambyfes was. “ He caused several of
“ the principal of his followers to be buried alive, and daily sacrificed some one
“ or other of them to his wild fury. He
“ had obliged Prexaspes, one of his principal officers and favourites, to declare
“ to him what his Persian subjects thought
“ and said of him.” “ They admire,
“ (says Prexaspes) a great many excellent
“ qualities they see in you ; but they are
“ some-

" somewhat mortified at your immoderate
 " love of wine."

" I understand you," replied the Monarch ; " that is, they pretend that wine
 " deprives me of my reason. You shall
 " be judge of that immediately." Upon
 which he began to drink excessively,
 pouring it down in larger quantities than
 ever he had done at any time before.
 Then ordering Prexaspes' son, who was
 his chief cup-bearer, to stand upright at
 the end of the room, with his left hand
 upon his head ; he took his bow, and
 levelled it at him, and, declaring that he
 aimed at his heart, let fly, and actually
 shot him in the heart. He then order-
 ed his side to be opened, and shewing
 the father the heart of his son, which the
 arrow had pierced, asked him, in an in-
 sulting, scoffing manner, if he had not a
 steady hand.

The government of Augustus, though
 despotic, was mild and gentle ; but it
 is sufficient to say, that his immediate
 successors were Tiberius, Caligula, Clau-
 dius, and Nero.

Queen

16 ON THE HAPPINESS, &c.

Queen Elizabeth was, indeed, a wise and excellent Princess, and loved her people; under her government, which was very arbitrary, trade flourished, riches increased, the nation was respected abroad and the people happy at home. This happiness arose from her circumstances, her own good dispositions, her prudence, and the wisdom of her ministers. This prudence, and these good dispositions, she could not leave to her successors. The want of these involved the nation in those civil wars, which ended only with the expulsion of the whole Stuart race. So true is the observation of Mr. Locke, that "absolute power does not purify men's blood, nor correct the baseness of human nature*."

Let us then consider the nature and effects of a despotic government, and we shall see that it has been universally, and must be, of necessity, productive of evil in every kind; and that "to live by one man's will, is the cause of all men's misery †."

* Locke on Government, § 92. † Hooker, Eccl. Pol.

CHAP. I.

ON THE NATURE OF A DESPOTIC
GOVERNMENT.

GOVERNMENTS have been distinguished into republican, aristocratical, and monarchical, or a mixture of all three. This is a good distinction. Montesquieu divides them into republican, monarchical, and despotic. A monarchical government, according to him, is "that in which a single person governs by fixed and established laws."—This great man very justly remarks, "the rivers hasten to mingle their waters with the sea; and monarchies lose themselves in despotic power *."

Being of the same opinion, I shall make no distinction between monarchy and

* *Espr. des Loix*, livre 3, chap. 17.

despotism; but proceed at once to compare a despotism with our own free government; I say, our free government, because I am persuaded that ours is, and that none but a mixed government like ours can be free. Under the Roman Kings, the Patricians and Plebeians were not free; under the Decemvirs, the Plebeians were miserably oppressed; the Tribunes of the people, in their turn, sacrificed the Patricians; and when the power of the Consuls happened to balance that of the Tribunes, every thing stood still, or fell into such anarchy and confusion, that the Consuls were obliged to name a Dictator for the time, with despotic power.—These ever have been, and ever must be, the miserable effects of power, when not properly balanced, as in the constitution of our government.—A despotic government is that in which a single person, without law, directs every thing by his own will.—The prophet Daniel gives a very good description of it, in the person of Nebuchadnezzar: “ All people, nations, and languages trembled and feared before

DESPOTIC GOVERNMENT. 19

before him : whom he would he flew,
and whom he would he kept alive :
whom he would he set up, and whom
he would he put down *.” Dreadful
description !

* Dan, v. 19.

C H A P. II.

O N L A W S.

§ 1. **I**T is the glory of Englishmen to be bound by no laws but those to which they have given their own consent.

§ 2. Our laws are published, known, and read of all men; not hid in the breast of a despotic judge. The tribune Terentillus was not factious, when he required that the Roman people should be governed by written laws, after having been at the mercy of their monarchs and Patrician magistrates for near three hundred years, without even the consolation of knowing, in particular cases, whether they had right or wrong done to them; when, as he complained, every cause was given in favour of the Patricians. In arbitrary governments, life and property must be most precarious, as the
 9 despotic

despot knows no other law but his avarice, his revenge, his lust, or his ambition.

§. 3. The laws of England, as long as they are made by the representatives of the people, must be *humane*. These representatives are chosen from the people for a certain term, and when that time is elapsed, they return to private life again; and in the mean time are subject themselves to almost every law they pass. We need not, therefore, say to them, "Brethren, if a man be overtaken in a fault, ye which are legislators, restore such an one in the spirit of meekness, considering yourselves, lest ye also be tempted *." The infirmities of the best of men, the vices and ungovernable passions of others, the instability of all human affairs, and the numberless unforeseen events, which the compass of a day may bring forth, must teach them, that no rank or elevation in life, no uprightness of heart, no prudence or circum-

* Gal. vi. 1.

spection of conduct, can exempt them from being some time or other deeply interested in the laws they pass*.—Our compassion is built on what we have suffered, or what we are liable to suffer. If we enjoy our sight and understanding, we cannot sympathize with those who are born blind, or idiots, because this never can be our case; but we most sincerely pity the unhappy parents, because this may be our own misfortune.—It has ever been found, that the severest laws have been made against those offences which the legislators were not likely to be guilty of.—A proud and haughty monarch, not advertg to the infirmities of human nature, and incapable of sympathy, will sport with the lives and liberties of his subjects. Confident of his own security, he must look down with indifference on those below him; like the philosophers, who, from the highest top of Pichincha, looking down on the clouds far beneath them, saw the lightnings flash, heard the thunders roll, and beheld the tempest

* See Sir Mich. Foster, pref. to Reports.

raging,

raging, whilst they themselves enjoyed the most delightful serenity : with this difference, however, that these philosophers knew they must soon descend, and become obnoxious to these storms themselves *. — The laws of the Decemviri were full of cruelty, inflicting death for almost every offence, and punishing by fire as well as by the sword. In the time of the Republic, these severe laws were virtually repealed, as it was ordained by the Porcian law, that no citizen should be punished with death ; but under the Emperors the most rigid severity was again restored.

The natural effect of severe laws, is, either that none will put them in execution, or, if put in execution, that men become so hardened and desperate, that no laws, no punishments will have any effect in restraining or reforming them : the former was the case at Athens, with the laws of Draco ; the latter is the melancholy case of the people of Japan ; the despotic power of their emperor, and the horrid severity of their laws, seeming only to mul-

* Ulloa, vol. i. page 223.

tiply the most dreadful robberies and murders.—There was a time in England, when our good old Saxon constitution was overturned, and the nation groaned under the yoke of tyrants. Our despotic princes of the Norman line, enacting the most inhuman laws, proved how unfit it is, that one man, who is above all controul, should make laws for others. Witness those forest laws, which were not repealed till the reign of Richard the first, which inflicted the most shocking punishments, such as castration, loss of eyes, cutting off the hands and feet of those who only transgressed in hunting, or even killed a hare! These cruelties were exercised not only in the old forests, but in the new also, which William made by laying together vast tracts of country for that purpose. In Hampshire he destroyed thirty-six churches, depopulated as many parishes, and made no satisfaction to the proprietors for their lands*.—If from the inhumanity of laws, the humane can-

* See Rapin. See Blackstone, vol. iv. p. 423.

not put them in execution, this despotic severity must destroy the power of the laws, and increase the number of offenders.

§ 4. As long as the English constitution lasts, the laws will be equally and universally binding. We have not one law for the peer, and another for the peasant. They are equally protected in their property, their lives, their liberty, their possessions. If the first peer of the realm should shed the blood of the meanest subject, his punishment would be equally certain, severe, and ignominious, as if he had himself been one of the lowest of the people.

Happy island, whose laws have no respect of persons! Even James the first, were he now upon the throne, could not grant his favorite a "pardon for all manner of treasons, murders, felonies, and outrages whatever, already committed, or which should hereafter be committed by him *." The laws of England acknow-

* See Coke Hist. Narrat. c. 32.

ledge no dispensing power, but declare expressly, that the suspending or dispensing with laws, by regal authority, without consent of parliament, is illegal *. Nay, even the kings themselves are subject to the laws, being bound not only by an imaginary compact, but by a specific declaration; not only by tacit agreement, but by oath, that they will "govern the people of this kingdom of England, and the dominions thereunto belonging, according to the statutes in parliament agreed on, and the laws and customs of the same." Should a king of England violate this oath, the original contract would be broken, and allegiance would be no longer due to him.—How different is the language of the imperial law, "*in omnibus, imperatoris excipitur fortuna; cui ipsas leges Deus subjecit!*"—How different the claims of James the first! He tells his parliament, that their privileges were derived from the grace and permission of himself and his ancestors;

* 1 W. & M. 2. c. 2.

but

but that with regard to his prerogative, “as to dispute what God may do, is blasphemy, so is it sedition in subjects to dispute what a king may do in the height of his power*.” We cannot be surprized to hear such sentiments from him; this is the common language of despotism: but who would ever have expected such language from English judges, those sacred guardians of our laws? When Richard II. had assembled them all at Nottingham, and asked them if he could not annul such acts as were prejudicial to him, they answered, “The king is above the laws;” that is, “the government of England is, and ought to be despotic†.”

The Norman kings were indeed despotic, and trampled on our laws. The family of the Stuarts thought to do the same. They have found by woeful experience, that in England “*Rex debet esse sub lege quia lex facit regem*‡.”

§ 5. The great barrier of liberty must be sought for in those laws of any coun-

* Rapin.

† Idem.

‡ Brañton.

try which relate to treason. If the boundaries here are well defined, the subject will be secure. His property may be invaded, but his person will be guarded.—In a despotic government, no man can be certain that he shall enjoy his life one minute ; and under any government, if the most innocent words or actions, or even dreams, are liable to be construed into treason, who can be safe ? When he least expects it, when he does not in the least deserve it, his life may be taken from him, his estates may be forfeited, and his blood corrupted.—The barber who shaved Dionysius lost his life only by affecting to be witty, and Marfyas for telling of his dream.—In the reign of Edward the fourth, a grocer, a citizen of London, who lived at the sign of the *Crown*, for a harmless joke, was attainted of high treason, condemned, and executed ; he had only said, “ he would make his son heir of the *Crown*.”—By the law of China, whoever shews any disrespect to the emperor, is guilty of treason ; but this law does not define what is disrespect.

spect.—The Roman emperors had a law similar to this, which seems to have been much abused, as we may collect by the remedial provision made by the good emperors Severus and Antoninus, “that if any flinging a stone, should *accidentally* strike one of the statues of the emperor, he should not be liable to a prosecution for high treason.”—The emperors Arcadius and Honorius passed a law, “that who-ever entertained any designs against the “life (*qui de nece cogitaverit*) of the “ministers and officers of the prince, “should be guilty of high treason;” without defining what these designs must be. The judge of Monsieur de Cinq-Mars, endeavouring to prove that he was guilty of high treason for attempting to remove Cardinal Richelieu from the ministry, appealed to this law*. In England, till the twenty-fifth year of Edward the third, the number of constructive treasons was almost infinite, and proved as many traps, snares, and pit-falls for unwary travellers.

* Montesq. B. 12. c. 8.

In proportion as the constitution recovered its purity, treasons were more clearly defined, and better understood; but, under the various despotic princes who have sat upon the English throne, treasons have been multiplied and ill defined. In the reign of Richard the second, “no man knew how he ought to behave himself, to do, speak, or say, for doubt of such pains of treason*.”—Henry the eighth had the most wonderful and unreasonable inventions; the laws of that tyrant took cognizance of the very thoughts of the heart, and entered into the most sacred recesses of the conscience to find out treasons. If any one denied his supremacy, or refused to abjure the pope, or if any one had the misfortune to believe that the king was lawfully married to Anne of Cleves, he was guilty of treason. Sporting with the lives of men, he seemed as if he would render treason itself ridiculous, by enacting, that if the poor Welchmen stole cattle on the moun-

* Stat. 1 Hen. IV. c. 10.

rains, they should be guilty of high treason.—As long as any country retains its liberty, and is governed by no laws but those to which it has given its own consent, treasons will be the crimes of all others the best defined; when it has lost its liberty, it must then submit to be governed either without laws, or by those which are vague and most uncertain. Honors, property, and life, must be entirely at the disposal of despotic sovereigns and despotic judges.

C H A P. III.

ON THE JUDICIAL POWER AND
PROCEEDINGS.

§ 1. **I**N every free government, the judicial power must be separate from the legislative and executive; let it be joined with either, and despotism will be the inevitable consequence. Hence, according to the constitution of England, our kings must appoint the judges, but cannot themselves sit in judgment to determine any cause. James the first, indeed, whose ambition was to be thought a second Solomon, chose himself to sit on the tribunal, and was not a little mortified, when his judges told him that he could not even deliver an opinion. From this provision we derive our greatest confidence and security. If our princes could sit as judges, our lives and fortunes must

THE JUDICIAL POWER, &c. 33

must be entirely at their disposal, as from them there could lay no appeal. The prince would be both judge and party, whenever any subject should happen to appear at his tribunal, who had the misfortune not to be agreeable to his sovereign, or when confiscation of goods would be the consequence of the sentence.

—Every man in the kingdom, from the highest peer to the lowest peasant, would be dependent on his caprice, or, what is worse, would be at the mercy of his creatures, his slaves, his sordid flatterers and favorites ; and might become the prey of every fawning sycophant, who, in an unguarded hour, should catch his sovereign's ear, and obtain a hasty sentence. Even *Mephibosheth*, even *Mephibosheth the son of Jonathan*, that good, that humble son of David's bosom-friend, may be robbed of the inheritance of his fathers ; that truly loyal subject may be adjudged a traitor, and his inheritance may be given to his servant Ziba, as a reward for his perfidious slander, by his irritated and too credulous sovereign. What man is

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fit to be trusted with despotic power ! Where is the sovereign who is fit to sit in judgment, when he himself is party, either directly or indirectly ?—If in a free country the sovereign himself must not be judge, much less must his ministers and privy-council. In despotic governments the prince himself may judge, or delegate his power. If in the monarchy of France this is not the case, it is only because the time is not yet arrived, when it may suit that monarch to become a perfect despot. By the late banishment of his parliaments, he has joined the legislative to the executive, and whenever he pleases he may seize the judicial likewise.—In England we have had despotic princes and state inquisitors, the privy council, the star-chamber, and high commission courts ; but, through mercy, these abuses have been long since banished from the realm ; and while our happy constitution lasts, we may enjoy the most perfect tranquillity of mind, in the fullest confidence that our persons and properties are inviolably secured, by a wise and well-established

blished judicature. Happy island, how peculiar is thy lot !

§ 2. In monarchies and despotic governments, the glory, the ease, the pleasure of the sovereign, his ministers and favourites, will be the first objects of every institution. In a free country, the ease, the welfare, the security of the subject will ever take the lead.—For the security of individuals, our ancestors devised the office of conservators of the peace, who were chosen by the freeholders in the county courts, upon a writ directed to the sheriff.—When Isabel, the queen of Edward the second, excited by her vile passion for Mortimer, had deposed that weak and misguided prince, and placed her son upon the throne, she caused the deposed monarch to be murdered in the most inhuman manner, and then, in order to suppress commotions of the people, she prevailed with the parliament, which was at her devotion, to transfer the election of conservators of the peace from the people to the crown*.

*See Rapin, and Jacob's L. D.

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In the latter part of the reign of Edward the third, these conservators, having power given them to try felonies, they were called justices. That the people might have nothing to fear from them, it was ordained that they should be men of the best reputation in the county, and responsible for their conduct to the most respectable tribunal in the kingdom. But that the subject may have proper confidence in his security from all danger of false imprisonment, it is provided by our laws, first, that these ministers of the crown shall receive no information but on oath. The laws of England give countenance or encouragement to no mercenary spies, no dark assassins; "every arrow must be inscribed with the name of him who shoots it;" no anonymous letter can be received; no private suspicions are allowed. These are sufficient, in a country which has lost its liberty; where jealousy prevails, where the least delay might hazard a revolution, where the despot thinks it safer for himself that ten thousand innocent people should be confined

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in prison, than one escape who might trouble his repose.—According to our law, the charge must be specific, the time, the place, the injury or crime, and all supported by that oath which leaves the false accuser indictable for perjury. It is provided, secondly, that these ministers of the crown *shall* accept of reasonable bail for everyailable offence, and that the court of King's Bench may bail for every crime : so tender is the law of England respecting the personal liberty of every subject, who can possibly deserve that high enjoyment. It is provided, thirdly, that if no sufficient bail is offered, or the offence be of such a nature that bail can not in reason be allowed, nor is allowed by law, the accused must indeed submit to be confined ; but the commitment must be in writing, signed by the magistrate, expressing the cause of the commitment, that if the magistrate shall have been guilty of fraud, of falsehood, or of violence, he may be convicted and punished for his offence. But in the fourth place, in order most perfectly to secure the personal liberty of the subject, the laws of this free country

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have made a provision to which every other nation is a stranger, a provision most abhorrent to the principles of despotism ; a strong barrier against the violence and persecution of the crown ; a provision worthy the great abilities of a Shaftesbury *, and for which this country must be his debtor as long as it retains its freedom : I mean the Habeas Corpus Act. If any man has been illegally committed and retained in prison, though it be by command of the king or privy-council, he and his friends have the remedy in their own power. If committed for treason or felony, he may insist on being brought to his trial the next term, or the next sessions of oyer and terminer, or else admitted to bail ; unless the king's witnesses cannot be produced by that time. If he be not brought to his trial the second term or session, he must be discharged. If he be not committed for treason or felony, a writ of habeas corpus will bring him, within twenty

* According to king James the second's MSS. in the Scots collection in Paris, in the custody of Father Gordon.

days

days at farthest, into Westminster-hall, there to be admitted to bail. Ample provision is made for the punishment of all parties, who by any means violate or evade this act. It is ordained by this act, that if any inhabitant of England be sent prisoner to Scotland, Ireland, or any where beyond the seas; the party committing, his advisers and assistants, shall forfeit to the party aggrieved a sum not less than five hundred pounds, to be recovered with treble costs; shall be disabled to bear any office of trust and profit; shall incur the penalties of a premunire; and shall be incapable of the king's pardon*. How valuable is this provision for the personal liberty of Englishmen!—In every despotic government, the number of state prisoners is innumerable. Blackstone says, he has been assured from good authority, that, during the mild administration of Cardinal Fleury, above fifty-four thousand *lettres de cachet* were issued, upon the single ground of the famous bull Unigenitus†. If the Bastile,

* 31 Car. II. c. 2. † Blackst. vol. i. p. 135.

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the castle of Segovia, and all the state prisons in France and Spain, were accessible, like the prisons of a free country; if we could count the number of the miserable wretches there confined, or the days of their misery, we should be then better able to form an estimate of the value, the infinite value of liberty, and its strong barrier the habeas corpus. The despotic princes who have sat upon the English throne, have always had their Bastille, and their castles of Segovia, inaccessible to the habeas corpus of the common law.

William the first forged and rivetted on our hands and feet, those chains and fetters from which we were never perfectly delivered, 'till the thirty-first year of Charles the second. — William, in the fourth year of his reign, “by his sole authority, banished some the kingdom, and threw others into prison, without any legal proceedings, or giving any other reason than his good pleasure *.” His example was followed by all those of his suc-

* Rapin.

cessors,

cessors, who inherited the same arbitrary disposition, and who at any time, through the tameness of the English, were suffered to gratify that disposition.

From the time of the Reformation, the nation began to recover its sensibility, the galling fetters became at last intolerable; little, however, could be done to get them off, till the reign of Charles the first. That unhappy, that infatuated prince, sent Sir Dudley Diggs, and Sir John Elliot to the Tower, for leading the attack in the House of Commons against his favorite the duke of Buckingham. King Charles sent the earl of Arundel to the same prison by his own authority, unsupported by law, without any plausible pretext, but, as it was supposed, only because his son had married the sister of the duke of Lennox, whom the king had designed for the lord Lorn*.

The Houses of Lords and Commons taking up this matter with a high hand, the king was obliged to set them at li-

* Rushworth.

berly,

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erty, after the earl of Arundel had been long confined. Not contented with this first essay, he sent Sir John Elliot again to prison.—With Elliot, the king sent Sir Thomas Darnel, Sir John Corbet, Sir Walter Earl, and above seventy more. They had all refused to lend him money, without the authority of parliament. The king, however, sent them to prison, without assigning any cause of their commitment. They claimed the benefit of that habeas corpus provided by the common law, as no other then existed, and insisted upon being admitted to bail; but as this could be denied them with impunity, they were remanded back to prison till the king should be pleased to specify the charge against them, and bring them to their trial, or discharge them. In short, it was solemnly determined by all the upright judges of the crown, that the personal liberty of every Englishman was, and ought to be according to the law, wholly at the mercy and disposal of the king*. The king not being able to

* Rushworth, tom. i. p. 459—473.

go on without a parliament, before he ventured to call one, took care to dismiss all these prisoners, and had the mortification to see twenty-seven of them chosen representatives in parliament. Had the doctrine of the judges been universally received and submitted to, the Tower of London would in all after ages have been as formidable to the English, as the Bastille is and has been to our unhappy neighbours on the continent.—But fortunately for us, either the irresolution of Charles the second, according to Hume, or the views of the court, according to Rapin, detached Lord Shaftesbury from the cabal. His illegal imprisonment for twelve months in the Tower, and his ineffectual application to the judges for the benefit of the habeas corpus*, procured next year that effectual act, which constitutes the security and happiness of the present day†. By this act it is provided, that gaol-keepers refusing to deliver to the prisoner, or his agent, within six hours

* Hume. † King James II's. MS. Scot. Col.

after

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after demand, a copy of the warrant of commitment, or shifting the custody of a prisoner from one to another, shall for the first offence forfeit one hundred pounds, and for the second two hundred pounds, to the party grieved. And the lord chancellor or judges denying the habeas corpus, shall forfeit severally to the party grieved the sum of five hundred pounds. What an unspeakable happiness is it for a people to be thus protected and secured from the violence and oppression of their magistrates ! Those magistrates who at first are appointed guardians of the laws, and protectors of the people, being generally in the end the great violators of the law, and irresistible oppressors of the people. The habeas corpus is a barrier which the prince can never pass, without consent of parliament ; the consent of parliament will never be obtained, but in the last extremity, while the representatives are independent.

§ 3. We have seen how tender the law is, respecting the personal liberty of Englishmen ;

lishmen ; the same tenderness proceeds throughout. The prisoner is not suffered to languish in a gaol, 'till he and the offence are both forgotten, as is the case in countries subject to a despotic power*.—Twice every year there is a commission of oyer and terminer, and gaol-delivery, empowering the judges to try and deliver every prisoner who shall be in the gaol, when they arrive at the circuit-towns, for whatever crime committed.—Every man who is acquainted with his Bible, may see the conduct of despotic governments towards prisoners.—Joseph, under the despotic government of Pharaoh, was accused of a crime, and cast into prison ; there he remained two years without being brought to trial, and might have been confined two-and-twenty, if Pharaoh had found any one who could have given him satisfaction in the interpretation of his dream.

Under the oppressive government of Felix, Paul was left two years in a gaol

* Blackst. Com. vol. iii. p. 137, 138.

without

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without being brought to trial, and might have been left ten times as long, had not Felix been superseded by a more honest man.

There is no abuse of despotic power more common, and more to be dreaded, than this of leaving men in prison for an unlimited time, before they are brought to trial. The greatest, because the most universal fault of despotism, is want of feeling. Some, like Phalaris, Alexander of Pheræ, Caligula, Nero, Caracalla, have been innately cruel; such monsters, indeed, are not often produced: but every despot must be absorbed in selfishness; lazy, voluptuous, unfeeling. If not altogether destitute of humanity, yet his laziness, and love of ease, will never suffer him to exert himself in behalf of the oppressed. Were he an eye-witness of the misery of the prisoner confined, with the wretchedness of his wife and children during his absence, pity and compassion would be excited, and an order given for relief; but monarchs must not be disturbed.—Despots, like the gods
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of Epicurus, must enjoy an everlasting repose. The Suba of Bengal was a soldier, and as such, could not be destitute of the feelings of humanity; yet, when our countrymen were confined in the black-hole at Calcutta, and Governor Holwell had offered one of the Suba's guards two thousand rupees, only to get the prisoners separated, half in one place, and half in another, the guard, after withdrawing, soon returned, and told him, that "it could not be done but by the Suba's order, and that no one dared to awake him." It was anciently the custom in this country, to issue special writs of gaol-delivery for each particular prisoner; but these being found inconvenient and oppressive, a general commission for all the prisoners has long been established in their stead*. For this establishment, we are indebted to the nature of our government, whose first object must ever be the liberty, the ease, the happiness of the subject.

* Blackstone.

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In England, the whole transaction is in open court, where the conduct of the judge is liable to be examined with a jealous eye, and his character to be either honored, or stained with ignominy. In countries subject to a despot, the whole transaction is often carried on in secret: this is universally the case, where the court of inquisition is established.—In such dark courts, the darkest proceedings must be expected, and the most horrid oppressions exercised on the unhappy victims of a minister's or inquisitor's displeasure.

§4. The judges of England are upon a better establishment than in despotic governments; they are men of the greatest learning and abilities, who have spent their whole lives in the study of those laws by which they are to judge the people. Having been accustomed themselves to plead at the bar, the laws must be familiar to them; the subtle arts of pleaders can not entangle them; the brilliancy of rhetorick can not dazzle them; the low chicanery of attornies can
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not puzzle them ; the artifices and false representations of the evidence can not mislead them ; the mental reservations of witnesses can not elude their penetration. When the hounds are at fault, the old sportsman can generally guess which way the game is gone.—Being advanced in life, they are dispassionate ; not living among those on whom they are to sit in judgment, they are free from personal and local party prejudices.—How different is the representation given us of the judges in arbitrary governments ! How different the judicial courts in France ! There, any man who knows nothing either of the theory or practice of the laws, may purchase a seat on the tribunal, and dispose of the lives and property of all who appear before him. It matters not what his degree of knowledge or integrity may be, if he have only money enough to make the purchase. If he has no money, he may borrow, and with tolerable success may be able soon to pay the debt ; because, whatever causes he determines, he may charge the party,

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for whom in any civil suit he gives a verdict, with a sum in proportion to the value of that property which is in litigation*. In the history of Dauphiny, there is a charter granting one fifth of the property in litigation, as a recompence for hearing and determining the cause; and thus certainly it was in England, till, by the struggles of our barons, John was obliged to grant the great charter of our liberties, and to promise—"nulli vendemus, nulli negabimus, aut differemus rectum vel justiciam."—In England, the judges are rendered perfectly independent; their salaries are such, as to place them above the reach of those temptations which assault the indigent; and their commission being *quamdiu se bene gesserint*, they have nothing to fear by acting uprightly, and judging according to their consciences.

In despotic governments, where their commission runs *durante bene placito*, the judges must be altogether dependent

* Boulainvillier's Parliaments of France, Letter 12.

on the despot, or his minion, for the bread they eat, for their personal liberty, nay, for their lives.

What security then, what confidence, can the subject have, who stands at their tribunal?—If the judge should dare to give a sentence contrary to the inclination of the minion, the least he could expect would be dismissal, most likely banishment, and perhaps death. All then must be managed by intrigue, and the judge must be careful to obey the dictates, not of reason and justice, but of the despot and his favorites.

In England the judge indeed presides, but *it is the law which judges*. He regulates the whole proceedings; examines witnesses, or superintends their examination; defends the prisoner, while at his tribunal, from any unfair proceeding; sums up the evidence; and finally declares the sentence of the law.—In despotic governments, the prisoner is altogether at the mercy of the judge, as the judge himself is at the mercy of the minister.

§. 5. We come now to the palladium

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of

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of English liberty; to that which distinguishes us from all other nations of the earth; to that which, together with the habeas corpus, secures to us, and must secure to us, as long as Englishmen retain their virtue, the quiet possession of our personal liberty, our lives and fortunes. I need not inform an Englishman, that I mean our trial by juries.—The judges are to declare the law, the jury is to determine upon the agreement between the law and the fact. It is the happiness of an Englishman, that he can not now be convicted at the suit of the Crown, of any capital offence, but by the presentment of twelve of the grand jury, and the unanimous verdict of twelve of his peers, all of the vicinage, and all on oath.—The grand jury, being gentlemen of the best figure in the county, returned by the sheriff to the court, are bound to enquire upon their oaths, whether there be sufficient cause to call upon the party to answer the indictment. When they have heard the evidence for the prosecution, if they think it a groundless

less accusation, they endorse it "not a true bill;" if they not only think it probable, but are thoroughly persuaded that the accusation is true, they endorse it "a true bill," and the person stands indicted. What humanity! what tender care not to expose the innocent to answer for his life! Attention is paid not only to the life, but to the honor, and even to the feelings of mankind.—The indictment must be precise. The person must be identified. The time, the place, must be marked out, that the accused, if innocent, may be prepared to prove his alibi. The charge itself must be specific; a general description will not suffice. In many cases there are words which specify the action, such as "murdered, ravished," and the like. Where there are no such specific words, the action must be specified by such expressions as these, "feloniously," "burglariously," "false, scandalous, and seditious;" for these only so specify the action, as to make it exactly correspond with the definition of the offence or crime, as given by the

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legislator. To the indictment for this specific offence or crime, the prisoner pleads, and of this specific offence or crime he, by his peers, is found guilty, or not guilty. There must be a perfect coincidence throughout. The genus must no where be substituted for the species. The same will hold good of informations. — The prisoner having pleaded not guilty, he has put himself upon his country, and his peers must proceed to try him. For this purpose, the sheriff prepares a pannel of forty-eight jurors. If the prisoner can shew any tolerable ground for suspecting that the sheriff is partial, or acts under any undue influence, these forty-eight jurors are set aside, and the coroner must prepare a fresh pannel.

If the prisoner can shew cause, he may object to each of these. If they are poor, and therefore not independent, perjured, and therefore not to be believed, partial, and therefore not to be trusted, infamous, and therefore not worthy of credit for their integrity ; any of these reasons will be sufficient to exclude them.

Besides this, the law indulgently permits the prisoner to challenge twenty out of the forty-eight, without assigning any cause at all for his objection. This is the provision the law of England has made for securing the life, liberty, and property of the subject against any unjust attack of individuals, but chiefly against the oppression of the crown. As the subject may fly to a jury for protection against the unjust accusations of the crown, so likewise may men of low degree, against the oppressions of the great. If the first peer of the realm would oppress the meanest peasant in his property, or if any Ahab should covet Naboth's vineyard, the matter must be referred to the decision of a jury. Should the peer tamper with the sheriff, the peasant may challenge the whole pannel, and the coroner must make a new one. The jury itself can not easily be corrupted, because the names of the whole number, being not less than forty-eight, nor more than seventy-two, are put into a box, and when a cause is called for, the twelve whose names are first drawn out of the box are

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sworn upon the jury, unless challenged by either party as infamous, inadequate, or partial jurors, in which case provision is made for a supply of the deficiency.

After the evidence is closed, and the proofs have been summed up, and brought to the remembrance of the jurors by the judge, they may withdraw to consult together on their verdict; but they must neither eat nor drink 'till they are unanimous. In all criminal causes this is a most excellent provision, because one honest man can save the life of injured innocence; for surely an honest man would bear more to save the innocent, than a commonly dishonest man would to destroy him. They who are uncommonly dishonest, are usually known to be so, and therefore may be easily excluded from the jury.

In civil causes, the court of King's Bench may order a new trial, if there are strong probable grounds to suppose that the merits have not been fairly and fully discussed, and that the decision is not agreeable to truth and justice.

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In criminal causes, the court may do the same, if satisfied that the prisoner has been found guilty contrary to the evidence before the jury.—How beautiful is this institution! How expeditious the process! What security for the subject against the oppression of the crown, and for the plebeian against the oppression of patricians!

All the nations of Europe once enjoyed this inestimable privilege, derived most likely from the Romans, but much improved by time and cultivation.

This mode of trial was never agreeable to those princes who aimed at or exercised a despotic power. The civil law, its courts, its judges, its proceedings, are more suited to the genius of monarchy, and trial by jury in such a government is not to be endured. Hence our princes of the Norman line endeavoured to introduce other modes of trial, instead of that by jury. The same blood which purchased the great charter of liberty, procured the restoration and establishment of this high privilege.

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When the power of the great barons was broke, in the reign of Henry VII, that prince extended the jurisdiction of the court of Star-Chamber, the members of which were the sole judges of the law, the fact, the penalty. This was a court altogether suitable to the disposition of those princes who succeeded him. This court was therefore cherished, and made the great instrument of oppression, 'till it was abolished in the year 1641.

As the affection of the English for this mode of trial by jury has ever been so strong, that no efforts of their sovereigns have been able totally to banish it; different devices have been tried to render it vain and nugatory. — Formerly, the court took upon itself to direct the jurors what verdict they were to find, and in case of refusal, punished them by fine and imprisonment, according to its own discretion: thus the trial by jury became useless; in reality, it was abolished, though happily its form remained. At other times, the jury have been deceived, and thereby rendered useless. A distinction

inction has been made between judging of the *law* and judging of the *fact*. They have been required to judge of the latter, and not of the former.

Judge Blackstone says, they have an unquestionable right of determining upon both, but that they may forego this right where they doubt the matter of law, and chuse to leave it to the determination of the court. If they have this unquestionable right, can they in conscience give it up? In so doing, would they not betray their trust? If they doubt the law, they may certainly seek information, but not leave the most important part of the indictment to the determination of the court; otherwise juries must be totally useless, and every man must be wholly at the mercy of the court.

If in the revolution of kingdoms and governments, our present happy system should be overturned, and despotism be introduced in England, the trial by jury would undoubtedly be abolished, and in its place would be substituted such modes of trial as are found in other nations of
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the earth. The judgment-seat would then be occupied by single judges, or by many of equal authority, and this either for life, or removable at pleasure, stationed or ambulatory : all the combinations of which have been found iniquitous, oppressive, execrable. First, for the single judge ; if he is removable at pleasure, he is the mere tool of the despot, or his minister ; if it were possible, that in a despotic government he should not be removable at pleasure, the trust would be yet too great to be reposed in one man. Judge Blackstone well observes, " In settling and adjusting a question " of fact, when intrusted to any single " magistrate, partiality and injustice " have an ample field to range in ; " either by boldly asserting that to be " proved which is not so, or, more " artfully, by suppressing some circumstances, stretching and warping others, " and distinguishing away the remainder."

If there are more judges than one, all of equal authority, factions will be formed

ed on the tribunal, and all will be partial to their own class in life. Blackstone here also well observes, "If the administration of justice were intrusted to the magistracy, a select body of men, and those generally selected by the prince, or such as enjoy the highest offices in the state, their decisions, *in spite of their own natural integrity*, would have frequently an involuntary bias towards those of their own rank and dignity."

This observation is confirmed by the history of every nation. The Tribune Caius Gracchus had good cause to complain of the partiality of the senatorial judges, when he made it appear that Cornelius Cotta, and M. Acilius, the chief of the senate, who had been convicted of several extortions by the most clear and indubitable proofs, had yet escaped the punishment of their crimes, through the corruption of their judges*. I might add here, that those judges must have a peculiar bias to conform their

* Vertot, R. R.

judgments

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judgments to the wishes of the crown in monarchies, and that the supposition of many judges on one tribunal is not consistent with the idea of despotism.

Such is the infirmity of human nature, that every possible precaution should be used to prevent an improper bias or partiality, to remove temptation out of the way of those who are to judge of facts, to prevent all possibility of solicitation, and to keep every undue influence at the greatest distance. No more efficacious mode can be imagined, than that of an English jury, when, out of seventy-two named in the pannel, twelve are to be chosen by lot, in open court, to proceed instantly to trial, and to give their verdict before they eat or drink ; with a challenge allowed, or even a special jury if required.

The court of session in Scotland is, perhaps, the most respectable court in Europe, of those, I mean, who conform themselves to the process of civil law. Of the fifteen lords who compose it, I suppose there is not one who had any
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voluntary bias on his judgment ; and yet it was foretold in Edinburgh, which way every lord would give his opinion in the great Douglass cause. The prophecy was justified by the event.

In France, the tribunal is undoubtedly corrupt: the judges are wholly at the mercy of the crown, and not only may be banished at pleasure, but actually were banished a few years ago. Independent of this influence, they are open to sollicitation. In the face of the day, the parties, their wives, their daughters, solicit the vote and interest of their judges. But supposing there were no such *visible* irregularity, yet from the very nature of the tribunal, where the judges are many, and stationary, where the cause may be half an age in hand, they must be liable to every species of *secret* sollicitation and corrupt influence*.

It appears then, that every tribunal which can be tolerated under a despotic government must be iniquitous, oppressive, execrable, and that trial by

* See *Boulainvilliers* on the Parliaments of France, Letter 10.

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juries is the palladium of English liberty.—The peers of the realm are now equally protected, in their lives and fortunes, with the meanest of the people; but should, in future ages, the government of England become despotic, they will in the end be robbed of the latter, and hold the former by a most uncertain tenure. This is evident from the conduct of all the princes who have aimed at or exercised a despotic power. Formerly, if a peer were indicted for treason or felony, or misprision of either, the lord high steward, created *pro hac vice*, picked and culled eighteen or twenty out of the whole body of the peers, to sit upon the trial. Charles the II^d thought by this means to sacrifice Lord Clarendon. After the Revolution, the peers procured an act, investing them also with the privilege of Englishmen; and now they cannot be condemned but by the free suffrage of their peers.

§ 6. After the jury is sworn, the witnesses are called, sworn, and examined. Under this article also we shall see what security

curity we enjoy as Englishmen, more than the subjects of a despotic government. The witnesses are examined *viva voce*, in the presence of the prisoner and the whole world. They are sifted and tried, examined and cross-examined, by men of great experience, who, through long habit, are become skilful in drawing forth the truth from those who would conceal it. They are examined by men, whose ambition is to excel in this most useful art; and who are sure to meet with the approbation of the court, when they have discovered their expertness in sifting an artful witness. They watch his eyes, his countenance, his voice. They let him run on, or stop him short; they try him with sudden and unexpected questions. The party accused is present during the whole of this examination. He being perfectly acquainted with the truth, and having made his counsel acquainted with it, and with the character of the witnesses who appear against him, has every possible advantage given him to vindicate his innocence.

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The jury, likewise, can make use of their eyes and ears. They see and hear every thing that passes. They pay attention to every witness. They may watch his eyes, his countenance, his voice, to discover the passions of his mind. Hesitation ; faltering speech ; an unwillingness to answer plain and honest questions ; over-readiness to bring accusations foreign to the matter in issue ; the tone of voice ; affected tenderness, or obvious enmity and hatred ; the age ; education ; understanding ; all these circumstances help the jury in determining what degree of credit they ought to give to the testimony of each witness. This mode of examining and confronting witnesses in an open court, is not agreeable to the genius of despotic governments : every man who is removed out of the way, must not be taken off by violence. This might produce a revolution. More quiet ways must be devised. No way is more quiet, none more effectual, than that which has been adopted in despotic governments. Their courts are not open,
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the witnesses are not examined *viva voce* by the judge, they are not confronted with the party accused, and with his witnesses. A man finds himself condemned of a crime, without knowing who is his accuser, or who are the witnesses who have appeared against him.—At best, he is at the mercy of the clerk, who takes the depositions in private, and may fall a sacrifice either to his ignorance or his malice, because the written depositions only are produced in court. This is the case in those nations where the shadow of liberty yet remains; but in governments purely despotic, the process is much shorter. By the command of Ahab, or of Jezebel, Naboth may be set on high, two sons of Belial may be suborned to bear witness, saying, Thou didst blaspheme God and the king; and this innocent man may be instantly carried out, and stoned to death, only because Ahab hath coveted his vineyard. He may be accused and condemned for treason, that his estate may escheat to the crown. This has been no uncommon case in despotic

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governments. Nay, Englishmen have been condemned of high treason on the testimony of one witness. The brave Admiral Sir Walter Raleigh was found guilty upon the written evidence of one single witness, without ever being confronted with that witness. His estate was immediately forfeited, and given to the king's creature and favorite the Earl of Somerset; and, fifteen years after this, he was beheaded for the supposed offence, though in the interval he had been employed in the service of his country, and acted under a commission from James, wherein the king stiled him his faithful servant! But Somerset wanted his estate, James wanted the Infanta of Spain for his son Charles, and Spain wanted the head of Raleigh, as the enemy she had most to fear!

In France, the prisoner accused of any capital offence is not allowed to produce witnesses to vindicate his innocence; this would be indecorous: the king is prosecutor, and no man must dare to contradict him. This was formerly the case in England, while

while under the government of despotic princes ; but soon after the Revolution, Englishmen were allowed, not only to bring such witnesses as were willing, but such also as were unwilling, through private enmity, through the influence of the crown, through fear, or through any corrupt motive, to bear testimony to the truth.

In England, it is a fixed maxim, that no man is to accuse himself. A maxim founded in wisdom and benevolence ! Let this maxim be forgot, and the rack, that horrid engine of arbitrary power, will soon be introduced. The design of the rack is to extort the truth from the party accused, that no innocent man may be put to death. Horrid benevolence ! Amazing folly ! When to the innocent it must be infinitely more desirable to die an easy death, than to be tempted, by the most excruciating torments, to confess a crime he never committed, to his own infamy, to the disgrace of his family, and to the corruption of his blood.—Dreadful alternative for injured

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innocence ! What shall he do ? If he denies the crime, his torments will be insupportable. The cruel tyrant who has given the command, is withdrawn, unable to bear the horrid scene !

The executioner, accustomed to hear the cries and groans of sufferers, has long since been a stranger to compassion. Hardened, and altogether void of feeling, he prepares the rack, stretches his prisoner upon it, and begins to exercise his art. Conscious innocence supports the unhappy victim for a time, at last the strength of nature fails, no longer able to endure his present misery—Heaven pardon him ! he confesses himself guilty of the crime he never did commit ; and then, on his own confession, suffers the sentence of the law. Had he been permitted, he might, perhaps, have brought a thousand witnesses to vindicate his innocence ; but no witness must be heard on his behalf.

Often a particular purpose is to be served by sacrificing the innocent. The *jealousy* of the despot, or his favorites, may require

require some to be put out of the way, who cannot be removed by violence. Besides this, one general and dangerous principle accompanies all the despotisms which have been established in feudal kingdoms:—All estates are supposed to be derived from, and holden mediately or immediately of the crown. Hence, in case of treason or felony, the blood is supposed to be corrupted, and the land escheats to the crown. Hence again, it has been the policy of wicked princes to create new treasons and felonies, and to use the rack for the discovery of them, that at all events, and by all means, they might multiply confiscations.

In England, no man can now be put to the rack, or be compelled by any torments to criminate another. This practice was common among the Romans. The citizens were free, but the poor slaves were often racked to make them accuse their masters. Cicero condemns this practice, and recommends that a man's actions should rather be put upon the rack, to extort from them his real character.

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racter. He observes, very justly, that the truth of accusations thus extorted cannot be depended on. In every age, slaves have been compelled by hopes of reward, and fear of torture, to accuse their masters. Women and children, through the weakness of their natures, and the exquisiteness of their torments, when put upon the rack, have accused their parents, husbands, children.

This execrable instrument of cruelty and falshood was introduced by the Duke of Suffolk, as a proper engine to accompany and support the civil law and arbitrary power in England, in the reign of that weak prince Henry the VIth. Here it continued to be used occasionally, 'till the judges unanimously declared its use to be contrary to the laws of England, in the reign of Charles the Ist.—The use of this engine has never yet been banished from the States of Holland; they keep it as a badge of their former servitude, and despotism has left it as a pledge.—Our rack is still preserved in the Tower of London, though the use of it has been long since proscribed.

To

To pardon is the prerogative of royalty. As far as this power is useful to the state, the kings of England enjoy it. They possess full authority to indulge the benevolence of their hearts in extending mercy to all those who have offended them, but not to such as may have been made their instruments in violating the common rights of Englishmen. If the subject has been sent out of the kingdom, and confined in prison beyond the seas, it is possible that this act of violence may have been committed by the authority of the crown, and in dependence on the royal pardon. For the security, therefore, of our liberties, it is wisely provided that this offence shall be unpardonable.—If subjects have been murdered, it is not absolutely impossible that the crown itself may have been polluted with their blood. Such things have happened. Even in this case, the king may pardon the murderer; but if the nearest of kin appeals, the criminal must suffer the sentence of the law. In countries subject to despotic power, the prince may pardon every crime,

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crime, because, as all his subjects are his slaves, they have no property in their persons, their possessions, or their lives : every offence, every crime must be looked upon as committed against the prince alone ; and as he only is the party offended, it is but reasonable that he should have authority to pardon every offence and every crime.

In England, we have an officer of great importance, chosen by the people, who is obliged to make inquest for blood. If any person dies in prison, is slain, or dies suddenly, this officer must go immediately to the spot, and summon a jury to enquire concerning the manner of his death. This officer has authority to commit the murderer to prison, there to be confined until he receives his trial.— This is an excellent institution, and contributes to the security of subjects against those assassinations which are not uncommon under despotic governments.

§ 8. In England, the punishment of every crime is ascertained, fixt, and generally known. The criminal is not in
this

this respect at the mercy of his judges. They can not add to the punishment, nor diminish from it. Rich offenders, therefore, have nothing to hope from their riches ; the poor have nothing to fear from their poverty. All know equally what they have to expect. As the punishment is fixed, so is it humane. No scenes of cruelty can be exhibited in this land of liberty, no tortures, no cutting off the hands and feet, no breaking on the wheel, no crucifying, no exposing to wild beasts, no mangling of the flesh with hot iron pincers, no burying alive. These are some of the sportive cruelties of despotic governments ; others there are, too horrid to be mentioned *.

In England, they only, who have been found guilty by the verdict of their peers, meet with the punishment of the laws. In countries subject to a despot, the innocent share the fate of the guilty ; the whole family, the husband, the wife, the children, are indiscriminately put to

* Montesq. B. xii. C. 14.

death.

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death. If there be any traces of this iniquity yet remaining in the English law, in the doctrine of escheats, and corruption of blood, they must be considered as the relics of that despotism which was grafted by William of Normandy on the feudal tenure, which tenure he artfully introduced,

“ These are the laws that so vigorously withstood the repeated attacks of the civil law ; which established in the twelfth century a new Roman empire over most of the states on the continent : states that have lost, and perhaps upon that account, their political liberties ; while the free constitution of England, perhaps on the same account, has been rather improved than debased *.”

* Blackst. Comm. Introd. § 3.

CHAP.

C H A P. IV.

O N T A X E S.

§ 1. **W**E have considered the habeas corpus act as a strong barrier against the violence and persecution of the crown, and the trial by jury as the palladium of English liberty. The appeal for murder is no inconsiderable bulwark; the House of Commons may be called the citadel, and the members of that House, if honest, will be the invincible guardians of all that is valuable to man.—Various are the advantages we derive as freemen from the House of Commons. We have already considered the happiness we enjoy above those nations subject to a despot, in being bound by no laws but those to which we have given our own consent.

§ 2.

§ 2. The next benefit arising from the constitution of the English government is, that no taxes can be levied by the crown, but those which the people have laid upon themselves, by their representatives in parliament. As Englishmen and freemen, we both claim and enjoy personal and landed property; and the only ways we can be divested of that property, are by free gift for the service of the community; or by the judgment of our peers, for certain violations of those laws to which we have given our own consent.

In opposition to this high privilege, different governments have set up their claims. The only two I shall consider, are the feudal and the despotic.—The feudal sovereign claims the property of all the land subject to his dominion. The despot claims the persons of all his subjects, and therefore allows them no more property than absolute slaves are capable of acquiring; he takes from them what he pleases, and expects them to be thankful for what is left.—The feudal system, as
we

we have observed, was introduced in England by that rapacious tyrant William the Conqueror, and cost this nation many struggles, and much blood, before it could be overturned. In consequence of this system, our sovereigns of the Norman line, and their successors, who wished to reign without a parliament, claimed aids and benevolences, whenever they wanted to fill their coffers, like Henry the VIIth, or to supply their extravagance and profusion, like James the first. According to the feudal system, these aids were altogether free-will offerings, made by the feudal tenants on certain great occasions. Bracton says, "*Auxilia fiunt de gratia et non de jure — cum dependeant ex gratia tenentium et non ad voluntatem dominorum* *." They were given to redeem the sovereign from captivity, to make his eldest son a knight, or to marry his eldest daughter. In vain did magna charta oppose itself to the claims of our feudal sovereigns. In vain

* Bracton, l. ii. tr. 1. c. 16. § 8.

did

did it ordain that no aids should be taken by the king without consent of parliament. When our kings were afraid to meet their parliaments, they sheltered themselves behind this feudal system, and turned away their eyes from the great charter of their people's liberties.

From the feudal fiction, that all the land belonged originally to the sovereign, and was granted to the subjects only during his pleasure, or for life; or to descend according to his appointment, the princes of the Norman line set up the following claims:—*First*, on the death of the possessor, the land was supposed to lapse; and therefore the sovereign, particularly William Rufus, obliged the next heir to redeem the inheritance at an uncertain price, if he would enjoy it; and besides this relief, the sovereign required from all those who held in capite of the crown, that they should pay a full year's income, by the name of first-fruits, on taking possession of the land. *Secondly*. If the heir were under age, the sovereign had the wardship, took possession

session of the estate, received all the profits during the minority, and then required a fine on the livery, generally half a year's profits of the land ; but in the reign of Henry the VIIth, Empson and Dudley required arbitrary and excessive fines. Those harpies were not contented with exacting unlawful and exorbitant fines from the wards of the crown ; they compelled as many as they pleased, to sue out livery, who were by no means tenants to the crown, and then obliged them either to pay down the profits of the land, which had accrued during their minorities, or to compound for the same. *Thirdly.* When the heir came of age, if he held a knight's fee, originally fifteen pounds per annum, he was obliged to be knighted, and follow the king's banner; or to pay a fine. James I. and Charles I. when they wanted money, issued out commissions for compelling all men, who could expend forty pounds a year, to compound for not being knighted. *Fourthly.* Before the heir came of age, the sovereign claimed the right of selling

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his

his ward in marriage, or else of receiving a full compensation for his goodness in foregoing the exercise of this right; or, in case his ward married without his consent, then the sovereign claimed double the value of such marriage, that is, double what any one would give the guardian for such an alliance. The only restraint laid upon the sovereign was to marry his ward without disparagement, but of this he was the only judge.—The feudal lords set up the same claims, and exercised the same oppressions over their vassals. *Fifthly*. The sovereign claimed a fine from all his tenants on alienation; and *Sixthly*. In cases of corruption of blood, or failure of issue, the sovereign claimed and took possession of the land, and then either gave it to his creatures, or disposed of it for money as he pleased. *Seventhly*, and lastly. The sovereign claimed military service from all who had consented or been compelled to adopt the fiction of feudal tenure. For this service a compensation was given, and pecuniary assessments were made, which in process of
time

time became arbitrary and oppressive. Provision therefore was made by magna charta, and afterwards by statute, that no such aid should be taken but by consent of parliament. The whole of this miserable system was overturned soon after the Restoration, having been endured by Englishmen for near six hundred years. That we may see in one point of view the full extent of our deliverance, I shall sum up the description in the words of Sir Thomas Smith, as quoted by Judge Blackstone. "The heir, on the death of his ancestor, if of full age, was plundered of the first emoluments arising from his inheritance, by way of *relief*, and *primer seisin*; and, if under age, of the whole of his estate during infancy. And then, when he came to his own, after he was out of *wardship*, his woods decayed, houses fallen down, stock wasted and gone, lands let forth and ploughed to be barren, to make amends, he was yet to pay half a year's profits, as a fine for suing out his *livery*; and also the price or value of his *marriage*, if he refused such wife as

his lord and guardian had bartered for, and imposed upon him; or twice that value, if he married another woman. Add to this, the untimely and expensive honour of *knighthood*, to make his poverty more completely splendid. And when, by these deductions, his fortune was so shattered and ruined, that perhaps he was obliged to sell his patrimony, he had not even that poor privilege allowed him, without paying an exorbitant fine for a *licence of alienation*."—Oppressive as this system was in the event, the claims of the feudal sovereign are more tolerable than the claims of the despotic sovereign. The former claims the land to be held on certain conditions; those conditions, in their original purity, are suited to the genius of a warlike nation in its infant and uncultivated state: the claims of the latter are boundless and intolerable, not suited to any state of society among creatures endued with reason.

Every feudal claim is included in the one claim of despotic sovereigns. They claim the person, the property, the liberty,

berty, the life of every subject to be held during the sovereign's pleasure. The pure despot may lay any taxes on his subjects, of any nature, to any amount, to be collected and disposed of as he pleases; he assumes the prerogative of the Almighty, for "there is none that can stay his hand, or say unto him, What doest thou*?" It requires some length of time, and peculiar circumstances, so far to subdue men's minds, as to make them submit to a pure despotism. There have not been wanting on the English throne, princes who have set up the most pure despotic claims, and openly avowed them; but they were never able to get those claims acknowledged and established. Some few, such as Dr. Cowel, and Dr. Blackwood, in the reign, and by the encouragement of James the Ist, have ventured to assert that the English are slaves, by reason of the Norman conquest, and that the king may pass what laws, and raise what subsidies he

* Dan. iv. 35.

pleases, without consent of parliament. These court sycophants were but the royal echo, and served only to make known the boundless ambition of the sovereign.—In the reign of Charles the 1st, two champions appeared to support his claim of despotic power. Dr. Sibthorp and Dr. Manwaring. The former with great modesty advanced from his pulpit, “If princes command any thing which subjects may not perform, because it is against the laws of God, or of nature, or impossible, yet subjects are bound to undergo the *punishment*, without either resisting, or railing, or reviling, and so to yield a *passive obedience*, where they cannot exhibit an active one.—I know no other case, but one of those three, wherein a subject may excuse himself with *passive obedience*, but in all other he is bound to *active obedience*.” Archbishop Abbot was suspended, and confined to an unhealthy house, at Ford, near Canterbury, for refusing to license this sermon.—Dr. Manwaring made the most express and boundless claim in behalf of his master, asserting,

ing, "that the royal will and command, in imposing loans and taxes without common consent in parliament, doth oblige the subjects' conscience upon pain of eternal damnation."—For this he was rewarded with a bishoprick.—All this is pure despotism, and was never submitted to by Englishmen.

There is a despotism of a bastard kind, which, under the pretence of law, of custom, of prerogative, has, at different times, levied taxes without consent of parliament. I shall consider some of these taxes.

1. The sale of honorable titles. This practice is indeed dishonourable, but I do not know that it is dishonest. If, as in the reign of James the Ist, one hundred persons could be found, who would each give one thousand pounds for the title of a baronet; if men were willing to give ten thousand pounds for the title of a baron, fifteen thousand for that of viscount, and twenty thousand for that of earl, it was wise in James, when in want of money, to make all his subjects

earls, viscounts, barons, baronets—who were willing to purchase these titles at so high a price; but then he should not have compelled any, who were unwilling, to be knighted, much less should he have obliged them to pay for their refusal—Henry III. of France, sold no less than one thousand letters of nobility in Normandy alone.

This is the merchandize of princes. As the first discoverers of America bartered for gold, and the first settlers in Pennsylvania purchased land with glass bubbles and gilded toys, so have princes, by their gilded toys, induced men to part with, not only their honour and their conscience, but even their silver and their gold. This, however, has afforded only a momentary supply.

2. Ship-money. This was required at first from the sea-ports, and afterwards from the whole kingdom, under pretence of protecting trade, defending the coasts, maintaining the empire of the sea, and securing the honour of the British flag. In cases of sudden emergency, and urgent necessity,

necessity, the sovereign, in the exercise of his rightful prerogative, armed his subjects with the utmost speed, to repel the danger, and the merchants lent their ships with cheerfulness.

Unhappy Charles, by endeavouring to derive from ship-money a permanent revenue, and such as would render him independent on his parliaments, brought the claim into discussion. Notwithstanding he had artfully intrenched himself behind the opinion of the twelve judges, the fallacy of that opinion was so obvious to all men, that he was obliged to give up his claim, and in the year 1641 passed a law to abolish this subsidy entirely.

3. Tunnage and poundage. This was a duty on merchandise, granted originally by parliament for the protection of trade, and limited to short periods, or to the continuance of a war. Edward IV. collected these duties two years without any grant from parliament; in the third year of his reign, this subsidy was granted to him.—It should be remembered, that this was a time of great anarchy and confusion.

Henry

Henry VI. that weak prince, ruined by his ministers, was deposed after he had reigned thirty-eight years. A prince of a different family ascended the throne, claiming the crown by the choice of the people, and supporting that claim at the head of forty thousand men.—Margaret, the ambitious and warlike queen of Henry VI. at the head of sixty thousand men, engaging the new-elected king at Towton, was defeated, and forced to fly, with the king her husband. This new-elected king had been proclaimed on the fifth of March, in the year 1461, by the title of Edward the IVth; he had not, however, time to assemble a parliament 'till November the 4th of the same year, at which time he got his title to the crown acknowledged. The kingdom was actually at war with France, Scotland, Bretagne, and the Low Countries, and Margaret was still in arms. The very next year she led her troops into England; they were again defeated, but she escaped. Edward, therefore, had as yet no time to attend to forms; but when he had taken

Henry

Henry prisoner, and confined him in the Tower, he then applied to parliament, and got a grant of tunnage and poundage. It is indeed not unlikely, that this subsidy had been granted in the last reign, for the continuance of that war which Edward the IVth himself brought to a conclusion.

From the first expulsion of the house of Lancaster, 'till its restoration in the person of Henry the VIIth, being twenty-four years, was a time of great confusion; during this period, regular forms could be but little attended to.—When Henry the VIIth came to the throne, he granted commissions for collecting certain duties and customs due by law; but he granted none for receiving the duty of tunnage and poundage, until the same was granted to him in parliament. This grant was made to him for life. In the beginning of every succeeding reign, the grant was renewed, always for life. The sovereigns who succeeded Henry the VIIth, never waited for the grant, but collected this subsidy in the intermediate space between

tween the death of the predecessor and the new grant; this was done, perhaps, through habit and inattention, most likely by design. In these reigns the prerogative of the crown was raised to a most formidable height. James the 1st. collected this subsidy above a year before he received the grant, and by his own authority raised the duty to five per cent. Unhappy Charles was at first unwilling to receive it as a grant, and determined at all events not to part with it. He told his parliament that he had collected this subsidy by his own prerogative, that in granting their petition of right, he had never promised to give it up to them. "But for tunnage and poundage, it is a thing I can not want, and was never intended by you to ask, nor meant by me, I am sure, to grant." He next year softened this language a little, saying, "We did not challenge it of right; but took it *de bene esse*, shewing thereby not the *right*, but the *necessity* by which we were to take it;" he took it however, in spight of his parliament, after
he

he had thus, in a manner, renounced the right. As the people did not understand the force of this argument *de bene esse*, he explained it to them twelve years after, by informing his parliament that "he had taken it only *de facto*, according to the example of former kings, from the death of their past predecessors, until the parliament had passed an act for it themselves." Satisfied with this explanation, the beginning of next year, parliament granted this subsidy to Charles.

4. Loans. These differed from aids and benevolences, already spoken of, as the latter were considered as gifts, whereas when loans were required, repayment was at the same time either expressly promised or understood. This species of subsidy was introduced by Edward IV. in order to support his war with France. Rapin relates an adventure, which shews at least the nature of this loan. The king, who was one of the handsomest men in Europe, having asked a rich widow how much she would *lend* him, she answered, that "she could not
refuse

refuse twenty pounds to a prince who borrowed with so good a grace." The king, much pleased with the lady's politeness, saluted her; in return for which honor, the widow doubled the sum she had first promised him.—The benevolences of King James were formal exactions; they were required as free gifts. Charles I. was no sooner come to the throne, than parliament granted him two subsidies, and then were proceeding to examine grievances. The king, not pleased to have the conduct of his ministers and favorites examined into, dissolved the parliament, after it had sat three weeks. Being in want of more money, he directed letters under his privy seal, to all such as were judged able to lend, requiring them to advance specific sums, and promising to repay them in eighteen months. The next year this misguided prince went to work upon a larger scale, and proceeded with greater violence. Not contented with borrowing certain sums from every Peer, he determined on a general loan, to be assessed according

according to the last subsidy, with a promise of repayment !

In collecting this loan, he had recourse to artifice, and to violence. I shall only speak of the latter. The commissioners were ordered “ that they treat apart with
 “ every one of those that are to lend.
 “ And if any shall refuse to lend, and
 “ shall make delays or excuses, and persist in their obstinacy, that they examine such persons upon oath, whether
 “ they have been dealt withal to deny or
 “ refuse to lend, or make an excuse for
 “ not lending ? Who hath dealt so with
 “ him, and what speeches or persuasions
 “ he or they have used to him tending
 “ to that purpose ? And that they should
 “ also charge every such person, in his majesty’s name, upon his allegiance, not
 “ to disclose to any other what his answer was.” “ That, as much as they
 “ may, they hinder all discourse about it,
 “ and certify to the privy-council, in writing, the names, qualities, and dwelling-
 “ places of all such refractory persons,
 “ with all speed. That they admit of no
 “ suit to be made, or reasons to be given,
 “ for

“ for the abating any sum* ”. All lords and gentlemen were ordered to repair to their country-houses, that their absence might cause no delay or obstacles to the subscriptions. Such gentlemen as shewed any reluctance, had soldiers quartered upon them; and such of the common people as refused to subscribe to this loan, were enrolled as soldiers, and compelled to serve in the army. Gentlemen in higher life, who opposed these illegal and unconstitutional proceedings, though in the most peaceable way, were summoned before the council, and if they persisted in their refusal to lend the money, they were sent to prison. Among these were Mr. Hampden, Sir John Elliot, and Sir Thomas Wentworth, afterwards Earl of Strafford.—They were even denied the benefit of habeas corpus, and, by the unanimous decision of King Charles’s righteous judges, were remanded back to prison. As this infatuated prince could not thus procure money enough to

† Rushworth, T. i. p. 418.

carry on the war with France, he called a third parliament, sent warrants to all parts for releasing the gentlemen from prison who had refused to lend him money, met his parliament, promised to redress all these grievances, and "That
"noe man should be hereafter compelled
"to make or yielde any giuse, loane,
"benevolence, tax, or such like charge,
"without common consent by act of par-
"liament *." In consequence of this, his grateful parliament gave him five subsidies, which the king acknowledged was the greatest gift that had ever been given in parliament †. Charles soon quarrelled with this parliament also, and in the fourth year of his reign had recourse again to his old expedients.

5. Monopolies. James the 1st. granted many of these, and his son followed his example. Between them both, almost every article of trade was betrayed into the hands of monopolists; salt, soap, beer, coals, cards, starch, wine, *old rags*, &c.

* Rushworth, T. 1. p. 588. † Ibid.

No man could keep an inn or alehouse without a licence from certain persons to whom James had granted a patent. The soap-makers paid Charles ten thousand pounds for their patent, and ten pounds a tun for all the soap they made. The starch-makers agreed to pay him three thousand five hundred pounds per annum, and from the monopoly of wine he received thirty thousand pounds a year. Not contented with this, James took the monopoly of allum into his own hands, as Charles did that of pepper. The inconveniences arising from this practice, were found to be many.—This was a heavy tax on the consumer, and brought very little in proportion to the king. Of this Clarendon himself complains; he even calls these projects “unjust, *ridiculous*, scandalous, grievous, the envy and reproach of which came to the king, the profit to other men.” The thirty thousand pounds Charles got by the wine monopoly, cost the public three hundred and sixty thousand—The commodity itself was *bad*. The two creatures of Buckingham,

ingham, who had the monopoly of gold lace, were convicted of selling vast quantities of counterfeit lace. For want of emulation and competition, the same must have been the case in every article.—The trade of the nation had an unjust and ruinous restraint laid upon it ; for if any one attempted to sell a better commodity or cheaper, he was immediately thrown into prison, and fined severely.—The manufacturers suffered exceedingly ; as was the case in monopoly of cloth : the commodity being unfit for foreign markets, an “ infinite number of poor people lay idle, and were reduced to a starving condition *.”

But what was worse than all, because it tended to perpetuate these evils, while it introduced many more, was, that many of these monopolies were given to members of the House of Commons †.

Monopolies had crept in during the reign of queen Elizabeth ; but that great queen, finding that the House of Commons was uneasy, called in most of

* Coke, p. 70.

† Whitlock, p. 38.

these grants, and left the remainder to be tried by law. The House of Commons, struck with this generosity of the queen, in meeting their desires, and anticipating their requests, deputed one hundred and forty of their members to wait upon her with their thanks. To their address the queen returned an answer, which, as flowing from her heart, made the deepest impression on her subjects.—I shall subjoin a part :

“ Gentlemen, .

“ I owe you hearty thanks and commendations, for your singular good will towards me, not only in your heart and thoughts, but which you have openly expressed and declared, whereby you have recalled me from an error proceeding from my ignorance, not my will. These things had undeservedly turned to my disgrace, (to whom nothing is more dear than the safety and love of my people) had not such harpies and horse-leeches as these been discovered to me by you. I had rather my heart or hand should perish, than that either my heart or hand
should

should allow such privileges to monopolists, as may be prejudicial to my people. The splendor of regal majesty hath not so blinded mine eyes, that licentious power should prevail with me more than justice. I know that the commonwealth is to be governed for the good and advantage of those that are committed to me, not of my self, to whom it is intrusted; that an account is one day to be given before another judgment-seat. I think myself most happy, that by God's assistance, I have hitherto so prosperously governed the commonwealth in all respects; and that I have such subjects, as for their good I would willingly leave both my kingdom and my life," &c. &c.

This was not in the honey-moon; she had at this time reigned over a happy people upwards of forty years.—From this glorious contest between a gracious queen and her grateful subjects, *which* should manifest the warmest love, we must now turn aside to contests of a different nature, and therefore proceed to the next tax.

6. Compositions. First for Toleration. This tax was invented by Charles the 1st, and was collected under a commission, directed to the arch-bishop of York, to compound with popish recusants "for all forfeitures due since the tenth year of King James, and for all such as shall become due hereafter *." Secondly, for Depopulation. This tax was likewise collected by a commission from Charles, for converting arable land to pasture since the tenth year of Elizabeth, and brought him in thirty thousand pounds. The credit of this is given to Arch-bishop Laud †. Thirdly, for Charters of Pardon. This was an invention of Empson and Dudley, in the reign of Henry VII. When any person was outlawed in personal actions, these harpies would not permit the outlawry to be reversed, unless he paid an enormous sum for the charter of pardon, standing upon the rigour of the law, which upon outlawry gives forfeiture

* Rushworth, T. 1. p. 414.

† Rushworth, T. 2. p. 339. Clarendon, T. 1. p. 76.

of goods; they even insisted the king should have half of such men's lands and rents during two whole years. According to the laws of England, the design of this process is only to compel an appearance. When therefore the party appears in court, any plausible cause, however slight, will in general be sufficient to reverse the outlawry*. It suited that despotic sovereign to overlook the design of this process, and to use it as a means of plundering his subjects. He had a regular account kept, debtor and creditor, for pardons granted or to be granted, with all sums of money received or due for the same, as appears from his own historian, Lord Bacon. In the margin of one account, wherein Empson acknowledges the receipt of five marks, for a pardon to be procured, the money to be repaid if the pardon did not pass, or satisfaction were not made to the party some other way; in the margin of this account there appears in the

* Blackstone.

king's own hand writing, "otherways satisfied."

The two ministers of this avaricious sovereign, procured accusations against the rich, caused them to be indicted for various crimes, and committed to prison, where, using every means to terrify them, they extorted vast sums of money by way of composition for the supposed offences. This path had already been marked out for them by Edward IV. who when in want of money, had caused the rich to be accused of high treason, in order to confiscate their estates or exact large sums for their pardon.—As they proceeded, they became more daring and outrageous, they cited people before them, proceeding by their own authority in a summary way, and without any proof passed sentence, and condemned men to pay exorbitant fines to the king's use. *

7. Issuing base Coin. This expedient was recommended to Charles I. but by the opposition of Sir Thomas Rowe at the council table, it was laid aside.

* Bacon.

The present king of Prussia adopted it, and then refused to receive any of this debased coin in payment of the taxes. That despot took the idea from the worst of the Roman emperors, from Caracalla, whose coin had an alloy of more than half, and from Alexander Severus, who used two-thirds alloy.

8. Issuing paper money, under various denominations, without authority of parliament. This is properly a loan.

All these expedients are violations of the English constitution; the first principle of which is, that the executive power shall be dependent upon the legislative for taxes, and that these must originate in the House of Commons.

So much for the authority by which taxes are collected.

§. 2. With regard to the quantum of taxes, despotic governments *seem* to have an advantage. Montesquieu says that "taxes may be heavier in proportion to the liberty of the subject, and that there is a necessity for reducing them in proportion to the increase of slavery." There
appears

appears to be some truth in this observation. But then, taxes may be considered either with regard to the absolute or relative quantity ; the amount of the taxes simply, or this amount compared with the ability of the people to be taxed. To the feeble and infirm the grasshopper is a burthen.

If the tax-gatherer takes but a little from him who has but little left, this little will be more felt than much taken from him who has more left. Again, where taxes are fixed and certain, and not dependent on caprice, men know how to regulate their expences. It certainly matters very little, whether a man have one thousand or two thousand pounds a year to spend, provided he be not subject to any sudden change. Surely no man can imagine, that one gentleman of a thousand pounds a year, may not be as happy as another who has two thousand. But if the gentleman who has been used to spend two thousand, be by enormous taxes reduced to live upon one thousand, it cannot be expected that he should be happy

under any government. Now it is undoubted, that under a free government his tenure of such a proportion of his property as will make him happy, must be more certain than under a despotism.

Abuses will creep into all governments, none more common to all than prodigality, but in free governments it is not so soon felt; when it is felt, they have the remedy in their own power. If a nation, nominally free, groans under an enormous load of taxes, and does not shake off that load, it is because that nation has lost its liberty. A free government may be carried on at a very small expence; and indeed the more free the government, the less proportion will the taxes bear to the ability of the people to be taxed.—There is one circumstance which Montesquieu takes no notice of. The despotic governments of the East have no such fleets to maintain, as England and Holland are obliged to keep up for the protection of their trade, and the security of their colonies; but then they have no such trade, no such colonies to pour in wealth upon them.

them.—The standing army of the Sultans bears a very small proportion to their militia; the latter exceed one hundred and fifty thousand, but receive no pay from the Sultan, they have lands assigned for their support. No wonder then that their nominal taxes should be few. This it is which makes the great difference. The subjects of the King of Prussia are severely taxed, and must be so, to support his standing army, but what liberty do they enjoy?

In all despotic governments, the expences of the court can only be bounded by the will of the sovereign, or his ministers; in free governments, the civil list is voted by the people, or their representatives. Therefore, on the whole, we cannot hesitate to conclude, that with regard to the quantum of taxes, free governments have a great advantage over the despotic.

§ 3. We have considered the authority by which taxes are levied, and the quantum in different governments. With regard to the proper articles for taxation, most undoubtedly the subjects who are to pay the taxes, must be the proper judges
which

which will be most agreeable to themselves, and best for the community. A despot may be guided by caprice, or misguided by his favorites, to the great detriment of trade, and ruin of the merchant. Infinite is the variety of tricks which may be played in opening and shutting ports, laying on heavy duties, or taking them off, to the enriching of some, and the impoverishment of others, and this wholly at the pleasure of the sovereign, or his minister, and for the purpose of serving their creatures at the expence of the public.

§ 4. The next thing to be considered, is the mode of collecting the taxes, as cheapest, as least oppressive, as most agreeable. The object of a free state is, to make the taxes productive of the greatest possible revenue, in proportion to what is taken from the subject. The object of despotism is the revenue itself. The interest of the former is to let the taxes pass through few hands; the latter multiplies dependants.—A free state is yet more anxious about the mode of collecting, than about the quantum, of the
tax.

tax. The despot cannot enter into the feelings of his subjects; he considers only how he may supply his wants, and always have money at command, without submitting to the painful detail of œconomy. He feels, that his own interest and that of his subjects do not coincide, and therefore cannot trust them to administer his revenues, and collect the taxes on his account.—No prince could feel this stronger than Charles I. when he levied ship-money, and exacted loans. These taxes turned to small account. The subjects have a common interest, and will not therefore wantonly oppress each other, for the benefit of their common enemy. If a sovereign will make use of subjects to oppress subjects, he must have a common interest with the oppressors; and must let them have a considerable share of the booty, if he will induce them to assist him in plundering their fellow citizens. The most obvious mode of doing this, is, to farm out the taxes. This was the practice of the Roman Emperors, whose publicans,
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armed with the irresistible power of the sovereign, in his name, but for their own emolument, harrassed, oppressed, and plundered the miserable subjects of the Roman Empire.

This practice has been adopted by sovereigns, who neither loved their subjects, nor were beloved by them; but is inconsistent with the very idea of a free state, where the subject both lays on the tax, and pays it. The duties of tunnage and poundage, which Charles I. took and kept without a grant from parliament, were let out to farm to Sir Paul Pindar, Sir Abraham Daws, Sir John Worstenholms, and Sir John Jacob. We may judge of the conduct of these farmers-general during their administration, by the argument they made use of in their petition to the House of Commons, for an act of oblivion. For this act they offered one hundred and fifty thousand pounds, and obtained it*.

Every one knows, that the only rich people in France, are the state leeches.

* Rushworth, iv. 277.

Baron Montesquieu says, " that an infinite number of bad laws are continually extorted from the Kings of France by the importunate avarice of these farmers-general, who pretend to offer a present advantage for regulations pernicious to posterity. As the monied man is always the most powerful, the farmer of the taxes renders himself arbitrary, even over the prince himself; he is not the legislator, but he obliges the legislator to give laws." The farming of the customs destroys commerce, by its injustice and vexations, as well as by the excess of the imposts: but independent of this, it destroys it even more by the difficulties that arise from it, and by the formalities it exacts *." Montesquieu here speaks feelingly on a subject he perfectly understands, and we know that this must be the case. But this is not all the misery. These harpies, these bloodsuckers, these publicans, though at first ranked with harlots, held in execration, and avoided

* B. 13. C. 19. B. 20. C. 12.

by all honest men, will, in process of time, be honoured for their near approach to the throne, resorted to and courted for their riches and hospitality; and what is worse than all, esteemed for their private virtues, till the publican vanishes out of sight. Every state subject to a despot, must be liable to receive this galling yoke. No nation while it retains its freedom will submit to it. How valuable then is freedom to a trading nation!

§ 5. The representatives of a free people must not only vote the taxes, but must likewise know the produce of those taxes, and examine the expenditure of the public revenue.

It is an old saying, and a very good one, "Short accounts make long friends." If this be so between man and man, equally so must it be between the legislative and the executive powers in a state. How is it possible for the representative to do justice to his constituents, if he wantonly lays heavy taxes on them? Unless the representative knows that the

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produce of former taxes has been expended with prudence, discretion, and œconomy, how can he proceed to lay new burdens? How shall he know these things without examining the accounts? If the representative neglects to call for the accounts, or grants new subsidies to those ministers of the crown who refuse to produce their accounts, he betrays his constituents, and offers violence to his conscience. If, however, the right remains, this accidental violation may be remedied by changing the representatives, and sending men of more honour and honesty, men of better principles and independent fortunes, to parliament. As long as the right remains, and honest men can be found, so long this nation will be able to maintain its liberties. If the public accounts are duly kept, and properly examined, it must appear, either that the whole revenue has been disposed of with wisdom, justice, and œconomy; or that part of it has been embezzled, squandered, or used to the most unlawful purposes. In the latter case, ministers can

be brought to an account, and punished ; in the former case, a free people will chearfully contribute even to the last farthing for the support of government. Under a despot, no such account can be expected ; he may squander the substance of his people in the most vain and useless works ; he may spend their wealth on his mistresses, or his favourites may spend it for him ; he may even bind his subjects with chains of gold ; that gold which he has collected from them, may be employed in paying foreign troops, to perpetuate their bondage. The pyramids of Egypt will remain an everlasting monument of the ostentation and prodigality of the despots who reared those stupendous edifices for their sepulchres. The biggest of these which stood near the city of Memphis, was eight hundred feet square, and as many high, built of large hewn stones, each thirty feet in length. One hundred thousand men were constantly employed for thirty years, in hewing out these stones, and raising this amazing pile, in order to furnish for the so-

vereign a little vault six feet in length. In this purpose however, the sovereigns were disappointed, as their bodies were hid, to prevent their being exposed to the fury of an injured and enraged people.—Struck as we may be with the vanity, folly, and prodigality of the Egyptian tyrants, we ought to be much more sensibly affected with the ostentation, folly, and prodigality of modern despots. Louis XIV. of France, wasted the treasure of his subjects in the most idle projects. Not to mention his Canal of Languedock passing under and over rivers, climbing over or passing through mountains, only to flatter the vanity of that proud monarch ; not to mention his Water-works of Marly or Versailles, nor yet the sums he squandered on his mistresses and flatterers ; what could be more idle than his projects of foreign conquests, and universal empire ! Grand Roy, cesse de vaincre ou je cesse d'écrire, sang his mercenary bard. The advice was good, though the servile flatterer meant it not, for by his victories he had exhausted the
treasures

treasures of his subjects, and brought the resources of the state to the lowest ebb. —The King of Prussia cannot afford to spend money in any ostentatious works, his subjects are sufficiently impoverished by maintaining a standing army of two hundred thousand men : men whose best employ would be to build more lofty pyramids than those of Egypt.

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CHAP. V.

ON THE HOUSE OF COMMONS AS A BARRIER AGAINST THE ENCROACH- MENTS OF THE CROWN.

§ 1. **I**T is well observed by Dr. Robinson, "the supreme power in every society is possessed by those who have arms in their hands." The despotic sovereign may raise and maintain what number of troops he pleases, and these either foreign or domestic. He has nothing to restrain him but his will, or the poverty of his subjects. Charles VII. of France was the first prince in Europe who introduced a standing army. This army, which at first was only twenty-five thousand horse and foot, is now upwards of two hundred thousand. In consequence of this, all the neighbouring sovereigns thought

thought themselves obliged to adopt the same measure. "Mercenary troops were introduced into all the considerable kingdoms on the continent. They gradually became the only military force that was employed or trusted. It has long been the chief object of policy to encrease and to support them. *It has long been the great aim of princes and ministers to discredit and to annihilate all means of national activity and defence*". The two consequences which have followed from hence, have been, first, that all these nations have lost their liberty, excepting Holland, of which I shall speak hereafter; the second, that the sovereigns of Europe, sometimes from jealousy, at other times from restless ambition, have been constantly augmenting their military force, and vying with each other which shall keep up the greatest standing armies. Not being willing to trust arms in the hands of their native subjects alone, they have introduced foreigners. The

* Robinson, chap. v. sect. 113.

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most bold, the most adventurous, the most worthless are the subjects who leave their native spot, and being entertained by the different sovereigns, compose the troops on which they most depend for maintaining their authority at home, while their chief confidence is placed on their own subjects for foreign conquest, or for repelling any invasion from abroad. By means of mixing and blending foreign officers and native soldiers, foreign soldiers and native officers, foreign corps and native corps, the sovereigns of Europe have nothing to fear, either from their own subjects, or these foreign mercenaries, while they spread terror among their neighbours round about them. This competition among the powers of Europe, must in the end reduce the subjects to two classes, soldiers and beggars, and inevitably prove the ruin of them all, England alone excepted. England, laying more commodiously for trade than any other nation, and having no need to waste any part of her strength in maintaining standing armies, has it naturally
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in her power to maintain her empire of the sea; and while all the nations of Europe are exhausting their already diminished resources, and weakening themselves by continuing to augment their standing armies, she, by her commerce alone, must naturally increase in strength, unless some evil dæmon should make her forget the advantage she derives from her local situation.—Nature has given us a deep intrenchment, surrounded us with the ocean, bestowed on us a fertile country, and a heart to defend it; furnished us with oak in plenty for the construction of ships, and seamen of consummate skill to navigate, and invincible courage to fight them. Our situation then, the genius of the nation, and the constitution of our government, all conspire to banish every idea of a standing army: this is one of the greatest blessings we derive from our situation.—“In a land of liberty,” says Judge Blackstone, “it is extremely dangerous to make a distinct order of the profession of arms. In absolute monarchies this is necessary for the

the safety of the prince, and arises from the main principle of their constitution, which is that of governing by fear; but in free states, the profession of a soldier, taken singly and merely as a profession, is justly an object of jealousy. In these, no man should take up arms but with a view to defend his country and its laws; he puts not off the citizen when he enters the camp; but it is because he is a citizen, and would wish to continue so, that he makes himself for a while a soldier. The laws therefore, and constitution of these kingdoms, know no such state as that of a perpetual standing soldier, bred up to no other profession than that of war: and it was not till the reign of Henry the VIIth, that the kings of England had so much as a guard about their persons * ”.

If the chief magistrate in a free state, by whatever name he happens to be called, count, duke, prince, king, or emperor, should have it in his power to in-

* Blackstone, vol. i. p. 408.

crease his army, and model it according to his pleasure; with how much ease might he rob the nation of its liberties!

The English had reason to look with a jealous eye on the five thousand soldiers kept up by Charles the II^d. and justly were they alarmed by the standing army of thirty thousand men, kept up and paid by James the II^d. out of his civil list. These troops acted like Englishmen, and men of honour, in the day of trial; but if James had not been too precipitate, this force, with proper officers, had been sufficient to insure success to his most ambitious schemes. After the Revolution, it was made one of the articles in the bill of rights, "that the raising or keeping a standing army within the kingdom in time of peace, unless it be with consent of parliament, is against law*".

When a military force is raised, one soul should prevade the whole; one understanding, one will, one energy. One *understanding*, as the faithful cabinet in

* Stat. 1 W. & M. ft. 2. c. 2.

which

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which the counsels are formed, and where the most inviolable secrecy is observed; one will to direct, one energy to actuate the whole machine. Thus only can be secured secrecy, unanimity, dispatch, and strength. It is necessary therefore, that there should be a generalissimo in every state, and the sovereign himself must be this general. In a free state, this chief commander of the military force will be regarded with a jealous eye, and a barrier must be provided to secure the public liberty from his encroachments. In England, the House of Commons is this barrier. Here the army is voted from year to year, which at the end of the year is ipso facto, disbanded, unless continued by parliament. As it is only by a military force that any prince can seize and secure despotic power, and as the House of Commons votes and pays the military force, as long as the House of Commons is uncorrupted, even to the latest posterity, that house may say to the ambition of the sovereign, as God to the ocean, " hitherto

to shalt thou come, and no farther, and here shall thy proud waves be stayed."

§ 2. The House of Commons has a privilege which throws great weight into the scale of the democracy, and when used with temper and fidelity, is infinitely valuable. The best of kings may unfortunately be surrounded by evil counsellors. The most base, the most treacherous, the most abandoned of men have sometimes deceived their sovereign, and gained his confidence. While by their violence and oppression, they have undermined his throne, and alienated from him the affection of his subjects, they have taken such full possession of his royal person, and so effectually blocked up his throne, that it has been impossible for honest men to gain access to him, and to undeceive him. This is undoubtedly a case which requires a remedy. For this evil, despotism knows no remedy; our happy constitution has provided one. Again, it is possible, that such princes as Phalaris, Nero, Caracalla, may fall to the lot of England, whose whole delight may be to
plague

plague, torment, and destroy their subjects. From despotism no redress can be expected: the House of Commons can apply a sufficient remedy. The person of the prince indeed, is sacred, his authority is supreme, he has no superior to whose tribunal he may be summoned; but his ministers who execute his unlawful commands, and his counsellors who give him evil and pernicious counsel, they are responsible. The House of Commons can proceed against them, either by impeachment or bill of attainder, and in spite of every opposition, bring them to condign punishment. The crown itself cannot protect them, nor is it in the royal prerogative to pardon them. No human institution can be perfect; this however, approaches nearer to perfection, than any which has been adopted for this purpose by other nations. The offenders are not left to the mercy of an enraged mob, neither are they accused by factious tribunes before the people, for then the people would be both the judges and the accusers. The accusation is laid by
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the representatives of the people, before the most respectable tribunal in the world, the individuals of which, if corrupt, must be accidentally so. How different is this provision for redress, from that provided by the Czar, Peter the 1st. He forbade any of his subjects to offer him a petition, till after having presented two to his officers. In case of refusal of justice, they might present a third to the Czar himself, but upon pain of death if they were in the wrong. After this, no one presumed to offer a petition to the Czar*.—In a despotic government it must be dangerous to present the first petition, almost impossible to present the last. Under such a government, the subject has nothing left but passive obedience and non-resistance.

As this privilege of the Commons affords protection from violence and oppression, so is it also a sufficient barrier against the encroachments of the crown. No prince can make himself a despot, he

* Montesquieu, xii. 26.

must have ministers and evil counsellors. Though the prince himself be hid by his own splendor, or intrenched behind his royal prerogatives, the House of Commons can effectually defeat his purpose, by attacking his evil counsellors, and bringing them to justice. In Sparta, the five Ephori chosen annually from the people, had authority to arrest and imprison the person of their kings. This institution preserved the liberty of Sparta for more than six hundred years. The privilege of the Commons of England gives greater security for the preservation of liberty than the Spartan institution could give to any nation, where gold and silver are admitted, and at the same time is less invidious to sovereigns.

§ 3. As all supplies must originate in the House of Commons, this House can throw insurmountable difficulties in the way of any prince in his pursuit of despotic power.

The numerous barrows which surround Stone-henge evidently mark out that spot as holy. Here our druidical ancestors
contended

contended *pro aris et focis*, and much of the best British blood was shed to preserve that sacred pile from violation. The Britons, in defending that, defended what they valued most; their invaders, when wishing to bring them to an action, had only to approach their temple. The *treasury* is the sacred shrine of liberty; round this the most bloody battles have been fought, and the monuments of the slain are seen on every side. Our ancestors in defending this, eventually secured what they valued most, their liberty.—Here first unhappy Charles attacked his parliaments, here they had their fiercest conflicts. In order to establish a despotic power, it was necessary that he should be able to raise supplies without the aid of parliaments; hence his ship-money, tunnage and poundage, his monopolies and loans: to stop him in his career, they met him on this ground, and drove him from it.—In gaining this, they gained every thing. To procure money he was obliged, though most unwillingly, and with a bad grace, to grant their petition

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of right, and to say after many struggles and evasions, "Soit droit fait comme il est désiré."

To procure money he was obliged to give up his evil counsellors, and redress all the grievances of his subjects. After this, all would have been well, if the parliament could have trusted him for his future conduct. This confidence was wanting, and the unhappy monarch fell a sacrifice to his own mistaken notions of the English constitution, and parliament's want of confidence in his sincerity.

Riches have been looked upon as the sinews of war. Whenever therefore our sovereigns have been at war, they have been obliged to redress the grievances of their subjects. Herodotus relates, that when Sennacherib had entered Egypt with a numerous and victorious army, he was opposed by Sethon king of Egypt with only a handful of undisciplined troops. In the night a prodigious multitude of rats entered the camp of Sennacherib, and gnawing to pieces all the bow-strings, and all the thongs of the shields,

shields, rendered his army incapable of making any defence ; in consequence of which, that monarch retreated with precipitation and disgrace. This fiction has been often realised in England. Our sovereigns however, have had their option, either to redress the grievances of their subjects, or to retreat from their enterprizes with precipitation and disgrace. It is the prerogative of the crown to make war ; the prince may draw the sword, but the House of Commons alone can give that sword an edge. Had it not been for this check, the kings of England had been long since despotic. They were seldom fond of meeting their parliaments, excepting they wanted money : as soon as that was granted, the parliament was dissolved. Sensible of this, it has been the policy of all honest parliaments, to make the redress of grievances and the supplies, go hand in hand together. As I shall resume this subject, I shall only now observe, that it has been the opinion of all men, that

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Englishmen can never lose their liberties, but by the treachery of their representatives ; because the House of Commons, while uncorrupt, has been, and ever must be, an impassable Barrier between Liberty and Despotism.

CHAP.

C H A P. VI.

ON TOLERATION.

§ 1. **I**F our reason were always clear, unruffled by passions, unclouded by prejudices, unimpaired by disease or intemperance; if our ideas were clear and *distinct*, *complete* in all their parts, *comprehensive* in all their modes, attributes, properties, and relations, *extensive* in all their kinds; if we could arrange all these ideas *orderly*, and examine them in a proper method; if our judgments were strong, and we could always bring them to a focus; if we were all skilful in the art of reasoning, and expert in the act of it; there would be but one system of Religion upon earth. The reverse of all this being the case, the systems are infinite in number. Could we examine

minutely the minds of all thinking men, we should be able to distinguish and identify them by their systems, as we do by the features of their faces. Where the principal features of religion are the same, we should yet find that no two were perfectly alike.

Facies non omnibus una.

Nec diversa tamen qualem decet esse Sororum.

This being the case, every man of principle may stand in need of toleration.

§ 2. Despotism is naturally a stranger to toleration. The arguments which Hobbes makes use of, to prove that religion is absolutely inconsistent with the interest of civil sovereigns, hold good only with regard to civil despotism. Baron Montesquieu has well observed, that virtue is the principle of a democracy, honour of a monarchy, and *fear* of despotism. Most certainly it is the interest of a despot, that his subjects should fear him, more than they fear any other being. Now religion says to all its votaries, "Fear not them that kill the body,

but

but are not able to kill the soul; but rather fear him, which is able to destroy both soul and body in hell.*"—If this fear cannot be excluded, the despot must usurp the sole direction of it: he must be the high priest. This was the first step Julius Cæsar took: when but a youth, he offered himself candidate for this high office. The jealousy of Scylla, excited by this token of his ambition, was for that time an obstacle which he could not surmount. Some years after the death of Scylla, there happened another vacancy: Cæsar was then chosen high priest of Jupiter, the next year Prætor, then Consul, and last of all assumed despotic power.—The sovereigns of modern Rome would never have been able to bind their kings with chains, and their nobles with fetters of iron, if they had not been armed with a two-edged sword, and worn the triple crown of heaven, earth, and hell. Mahomet, by uniting in his own person the three offices of prophet, priest,

* Matt. x. 28.

and king, did not indeed exclude the fear of a divine Being, but then he had the sole direction of that fear*.

At first sight, the conduct of the unhappy Stewarts, who undoubtedly aimed at despotic power, must appear to have been very absurd; they endeavoured to establish the Roman catholic religion in England, and to introduce a fear, which afterwards they would not have been able to regulate. Their conduct however, was not absurd. Henry the VIII. though a catholic, having established despotic power at home, made use of the protestants to shake off the dominion of the pope. The princes of the Stewart family were willing to receive that yoke again, provided the catholics would help to subdue the free spirit of the protestants; and the Roman catholics were willing to assist the crown to establish arbitrary power, provided the crown would again establish the Roman catho-

* Note 7.

lic religion. It can never be the interest of the present family, to tread in the same steps; because, if the stumbling-block of religion were removed, the nation might look towards Sardinia.

When the ten tribes of Israel had thrown off their allegiance to the family of David, and chosen Jeroboam for their king, he said, "If this people go up to do sacrifice in the house of the Lord at *Jerusalem*, then shall the heart of this people turn again unto their lord, even unto Rehoboam king of Judah, and they shall kill me, and go again to Rehoboam king of Judah. Whereupon the king took counsel, and made two calves of gold, and said unto them, It is too much for you to go up to Jerusalem: behold thy Gods, O Israel, which brought thee up out of the land of Egypt. And he set the one in Beth-el, and the other put he in Dan.*" Jeroboam thought it expedient to *change the national religion*, and to introduce *idolatry*, in order to *establish*

* 1 Kings, xii. 28.

his

his throne. Should hereafter any prince of the protestant line in England, unwarily, adopt the same conduct, he will only prove, that the children of this world have been, in their generation, wiser than the children of light.

It is the interest of the despot to have but *one* religion in his dominions, because it is his interest that there should be *none*.

“In despotic states, the nature of the government requires the most passive obedience; and when once the prince’s will is made known, it ought infallibly to produce its effect*.” Nothing can prevent this effect but religion. Neither the amor patriæ, nor the rules of honour, must be pleaded for not executing the demands of the despotic sovereign. Religion alone, like an angel with his drawn sword, can withstand him. Charles the IXth having sent orders to Viscount Dorte, to massacre the protestants at Bayonne, received for answer,

* Montesq. B. iii. c. 10.

"Sire, among the inhabitants of this town and your majesty's troops, I could only find honest citizens and brave soldiers, but not one executioner : we jointly, therefore, beseech your majesty, to command our arms and lives in things which are practicable." This great and generous soul, says Montesquieu, looked upon a base action as a thing impossible. This answer to a despot, must have been punished with instant death.

Private judgment, of good and evil, just and unjust, is incompatible with a perfect despotism : it can admit of no private conscience ; it allows only one conscience, one will, one law, one fear.

It is not the interest of despotism to tolerate more than one religion ; because if there be more than one, men may be led to enquire which is the best : and it is not the interest of the despot, that men should exercise their reason ; for, if they begin to think, there is no knowing where their thoughts may end. Religion must address herself to their eyes, not to their understanding, to their imagination,

gination, not to their reason, and must call for the exercise of the body *, not the exertions of the mind; that the people being kept in profound ignorance, may be quiet and contented under the most blind and abject subjection to the despot. —As it is not the *interest* of despotism to tolerate, toleration under that government must be precarious, and depend entirely on the caprice and humour of the sovereign, or the influence he is under. If it should come into his head to set up a golden image in the plains of Dura, all his subjects must fall down and worship it, or must be thrown into the midst of a burning fiery furnace †. If, instead of a golden image, he should choose rather to elevate a consecrated wafer, the subject must either fall down and worship, or be committed to the flames.

If servile courtiers, and fordid flatterers should obliquely insinuate to their sovereign, that he is a God, and persuade him

* 1 Tim. iv. 8.

† Dan. iii. 7.

ON TOLERATION. 141

to issue his decree, forbidding men to offer any petition for the space of thirty days, to God or man, save to the king only; the subject must cease to worship the God of his fathers according to his own conscience, or must be cast into the den of lions *. If instead of offering himself as the object of worship, he should choose rather to substitute some favourite saint, or the Virgin Mary, the consequence of disobedience might be yet more dreadful; the holy inquisition might be substituted for the lion's den; and the inquisitors with the rack, their horrid engine of cruelty, might supply the place of lions.

“The prisons of the inquisition are little dark cells, without any furniture but a hard quilt: the prisoner is not permitted to see any one except his keeper, in this cell, who brings his diet with a lamp that burns half an hour, and departs in silence. At the end of three days he is carried to the inquisitor, and takes an oath, to return true answers to all questions which

* Dan. vi. 7.

shall

shall be put to him, and to confess all his heresies. If he have no heresies to confess, he is carried back to his doleful dungeon, for three days more, to recollect himself, and to call to mind his heresies, his teachers, and his accomplices. Being again brought before the inquisitors, they ask him, where he was born and educated; who were his parents, masters, confessor; when he was last at confession, or the mass? If in answering all these questions, he cannot be brought to accuse himself, he is sent back again to his dark and dismal prison, and time is given him to pray for repentance. At the end of three days, he is carried again to the inquisitors, who now examine him on the peculiar doctrines of popery, on transubstantiation, on worshipping the host, images, saints, and the Virgin Mary; on the infallibility of the pope, and his power to pardon sins past, present, and to come, &c. &c. If he answers, that he believes all this, he is then taken to the rack, attended by a notary, who is to write down his confession. Here he remains

mains in torment for one hour by the glass, after which a surgeon puts his bones in joint, and he is carried back to his cell. And this horrid process is repeated three times, at certain intervals, till the miserable wretch perhaps, confesses heresies he was never guilty of, or acknowledges that he dare not worship idols. If, after two days, the prisoner affirms, that his confession was extorted from him by the torments he underwent, and therefore refuses to sign it; he is again put upon the rack. If he confesses that he did speak heretical words but to save his estate for his family, affirms that he spake them unadvisedly; he is put upon the rack to prove the truth of this assertion. The prisoner never knows who are his accusers, or what particular words or actions are laid to his charge; nor must his advocate know these things. Witnesses are compelled to give evidence, under pain of the greater excommunication; and his own advocate is bound by oath to divulge his client's secrets. When the fatal morning is come, the dominicans begin

begin the procession, followed by the penitents clothed in black, barefooted; and with wax candles in their hands; some have benitoes, and others who have but just escaped being burnt, have inverted flames painted on their garments: then come the negative and relapsed, with flames pointed upwards; then the professed, with flames painted on their garments and on their breasts, carrying their own pictures, with dogs, serpents, and devils round them, all with open mouths. The familiars and inquisitors close the procession. After prayers and a sermon, the prisoners are delivered over to the secular arm, with earnest intreaties not to touch their blood, or put their life in danger! They are instantly bound with chains, carried to the secular prison for about two hours, then brought out, chained to stakes about four yards high, seated within half a yard of the top, when the negative and relapsed are strangled, but the honest and professed are solemnly delivered up to the Devil; after which, the holy fathers leave them: when, their faces being first scorched, the furze is kindled

kindled round them, and in about half an hour in calm weather, or in about two hours in very windy weather their excruciating torments end *."

In the reign of Henry the VIII. the form only of our constitution remained; liberty had taken her flight, and the king was become a tyrant. His parliament exerted an act of its omnipotence, made him infallible, and then ordained, that whatever he should enjoin in matters of religion, should be believed and obeyed by all his subjects. In consequence of this, he gave them their daily creed. Whoever believed to day what had been truth the day before, was committed to the flames; had he happily escaped undiscovered only for one day, his creed had been orthodox again, and his life had been spared. Parliament had endued the king with one attribute of the divinity, but could do no more for him; had bestowed infallibility, but could not give immortality: he died. His chil-

* Dr. Gedde's Account of the Inquisition.

dren all succeeded in their turn to his crown, and to his infallibility ; and each changed the national religion. Edward the VIth. converted his subjects from the Roman catholic religion, and made them protestants. Queen Mary knew well the nature of that power with which her father had been invested, and which now devolved to her.—When her father had asked her, what her opinion was concerning pilgrimages, purgatory, and reliques, she, like a wise woman, a dutiful daughter, and an obedient subject, returned for answer, that “ she had no opinion, but such as she received from the king, who had her whole heart in his keeping, and might imprint upon it, in these and in all other matters, whatever his inestimable virtue, high wisdom, and excellent learning should think convenient for her * ”. This princess had no sooner taken possession of her high dignities, than she thought it convenient to imprint orthodox opinions on the hearts of all her subjects. Such as

• Burnet's Reformation.

did

did not readily receive these, she committed to the flames. If any were so far enlightened at the stake, as to profess the true religion of the day, they were burnt in that happy moment, to secure the salvation of their souls. It was said by the privy council, “ if they recant sincerely, they are fit to die, if not sincerely, they are not fit to live * ”.

She died, and was succeeded by her sister. Truth then took another form, and appeared in a more simple dress. Stript of her goodly ornaments, and gorgeous attire, it was not easy for those who had been accustomed to see and admire her in all her former splendor, suddenly to recognize her. She was no longer seen in her fiery chariot, nor was her way now marked with blood; but plain, unadorned, mild, and gentle in her appearance, she *courted* rather than *commanded* the reverence of mankind. Upwards of nine thousand beneficed clergy swore allegiance to her. Thus in the space of about seven years, was the na-

• Burnet's Reformation.

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tional religion changed from catholic to protestant, from protestant to catholic, and from catholic to protestant again; and in every change, many of the clergy were most unjustly reduced to this alternative, either to violate their consciences, or to starve.

If the despotic sovereign is of a mild and gentle disposition, if he has any love for his subjects, and at the same time is not a bigot, he will enlarge the bounds of toleration, and his people will be happy. If, on the other hand, he is violent and impatient of contradiction, if he is a stranger to humanity, or loves his people with the affection of a bigot, he will burn all who oppose his will, or pour contempt on his wisdom and superior knowledge; he will use the sword as the argument to convince and convert his subjects, and this only out of charity; or finally, he will sacrifice the infidels to his God. The former character is rare, the latter is not uncommon.

§ 3. It is of the essence of a free government to tolerate. As the people are bound

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bound by no *laws*, but those to which they have given their own consent, and are liable to pay no *taxes* but those which they have laid upon themselves, they have a superior right to choose their own *religion*. Men who have not studied the nature of civil society, and are not able to plead for their privileges, will yet feel that the rights of conscience were not given up to the public when men entered into society. No man can be supposed to have given up that which is of infinite value to himself, for a finite consideration, namely, the protection of the state. Again ; the state can never be supposed, as a compensation for protection, to have accepted that which would become of no value the moment it should be given up, namely a man's conscience. Once more ; no man can give what is not his own to give. Conscience is no man's property, it belongs to God alone. Every man feels this for himself. Conscience can only be directed by the understanding ; and all the power that a man has over his understanding,

derstanding, is to apply it, or not apply it. He cannot choose his own creed. Every man feels this. It is equally absurd therefore, to suppose, that by entering into society, men tacitly give up their understanding and rights of conscience, or that being given up by any verbal agreement, that agreement can be valid, or the performance of it possible. —The majority may certainly establish a national religion. It is not enough to punish crimes when they have been committed ; it is incumbent on societies to watch over the morals of the citizens, and to prevent the commission of crimes. It is not sufficient in a state to have legislators, judges, and executioners. To none of these can the transgressor say, “ Whither shall I go then from thy spirit ; or whither shall I flee from thy presence ? If I ascend up into heaven, thou art there : if I go down to hell, thou art there also. If I take the wings of the morning, and dwell in the uttermost parts of the sea ; even there also shall thy hand lead me : and thy
“ right

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“right hand shall hold me. If I say,
“surely the darkness shall cover me:
“then shall my night be turned to day:
“yea, the darkness is no darkness with
“thee; but the night is as clear as the
“day: the dark and light to thee are
“both alike*.”

In every state there must be men chosen or appointed to teach and exhort the citizens to obey the laws, not only for fear of the punishment threatened by those laws, for this may often be evaded, but for conscience sake. Human laws must of necessity be imperfect; in many respects they will inevitably come short of their mark, which is the happiness of mankind. No human laws ever said, “If thine enemy hunger, feed him, if he thirst, give him drink. Be not overcome of evil; but overcome evil with good. And, whatsoever ye would that men should do unto you, do ye even so to them.” Religion alone, and her ministers, can teach men to cultivate this

• Psal. cxxxix.

heaven-born temper, and improve society to the highest pitch of perfection possible on earth. In a well-regulated state then, there must be an established ministry to teach the eternal law, and to be the guardians of the national religion ; such a ministry has been established in every nation upon earth. Though the majority may establish a national religion, it cannot do that which it never received power to do, nor dispose of that which was never committed to it. A free state cannot compel men to part with, or violate their consciences. If this state were composed of Mahometans and Gentoos, trifling as it may appear, the Gentoo must not be compelled to eat beef, nor the Mahometan to eat pork, because in so doing, each would violate his conscience.

To secure the most sacred rights of conscience, a nation must preserve its freedom.

C H A P. VII.

O N T R A D E.

§ I. **T**HE arts and manufactures, trade and commerce, are inseparably connected with freedom ; they arise from it ; and they tend to produce it. Let any country regain its liberty, and these return ; let a country lose its liberty, and these gradually die away ; let them flourish, and the country cannot easily be subdued by a foreign power, nor enslaved by its own sovereign. Artists, manufacturers, and merchants, are the life and soul of liberty ; the metropolis is the chief vital part, where the first and the last pulse of liberty will be felt. Under a despotic government, property is precarious, wealth is dangerous ; it is not the interest of the despot to encourage trade, nor is it the interest of merchants
and

and manufacturers to trust a despot. The most fertile country, if the government is not free, will not allure them; security of property, and certainty of enjoyment, being their first research, these bees often lodge their honey in the barren rock. The Tyrians by commerce acquired such wealth and strength, as enabled them for thirteen years to resist the whole power of Nebuchadnezzar; rather than submit at last, they quitted a fertile country, and retired to a little island, where they built their city on a rock, and there maintained their freedom. Marseilles is surrounded by a barren country, but enjoys peculiar privileges and immunities*. The cities of Holland are inclosed by marshes, and Venice by the sea.

§ 2. At the commencement of the eleventh century, Europe began to awake as out of a deep sleep; the eyes of its inhabitants were opened to see the utility of commerce, with the value of liberty, and their mutual connection. They had

* Davila, V. ii. p. 563.

borne the yoke of feudal tyranny for many ages. That system of government was very simple, but to the last degree oppressive. The sovereign sometimes exerted despotic sway over the feudal lords; at other times, indeed, his power was circumscribed, and his authority despised; but the feudal lords themselves exercised at all times the most absolute dominion over their slaves and vassals. Cities being subject to the jurisdiction and oppression of the lords, and deserted by merchants and manufacturers, were inhabited only by slaves, and the lowest of the people. The active and industrious artists were driven away by the impolitic exactions, and absurd regulations of the avaritious barons. In the eleventh century, some cities in Italy cast off the yoke, others purchased their freedom, and established an equal government. The cities of France, Germany, Spain, and England, soon followed the example, and either formed themselves into independent corporations, governed by their own laws, or else obtained charters
for

for that purpose from the sovereign; still remaining subject to his dominion.

In the train of returning liberty, came the arts, manufactures, commerce, industry, and wealth. Happy had it been for mankind, if luxury could have been left behind.—Even luxury, under the restraint of reason and religion, is beneficial to society, promotes industry, and leads to the perfection of the arts.

At the introduction of commerce, the cities of Italy took the lead, and soon established their freedom and independence; among these, was Florence, by whose government, under the form of a democracy, encouraging and protecting manufactures, this city grew in power, and its citizens in wealth.

Venice is more ancient and honourable than Florence. Venice is governed by a peculiar kind of aristocracy, whose interest is to encourage commerce, because her nobility engage in it. Jealous of her liberty, she employs only foreign mercenaries in her army, while her navy, which is her chief strength, is manned and commanded

manded by her own subjects. By her traffic she acquired such wealth and power, as enabled her, in the beginning of the sixteenth century, to resist the united efforts of the Pope, the Emperor of Germany, the kings of France and Arragon, with almost all the princes of Italy. It matters not what free form of government is adopted by any country, democracy, aristocracy, or mixt monarchy, provided the artists, manufacturers, and merchants, can find a spot where they may enjoy peace and quietness, protection and security for their persons and possessions.—We have had examples of the two first; let us consider an instance of the latter. The Seventeen Provinces of the Netherlands were first united under Philip of Burgundy, in the beginning of the fifteenth century. They had long enjoyed the sweets of a free government, similar to that established in all the northern nations. The sovereignty was hereditary, but the laws were passed, and taxes voted, by the three estates of the nobility, the clergy, and the commons.

Their cities had peculiar immunities and internal jurisdiction. This security and happiness was not disturbed by Philip. This prince being *wise*, considered, that the wealth which flowed into his dominions through the cities of Bourges, Ghent, and Antwerp, would cease to flow, should these cities lose their liberty; being *good*, he loved his subjects, and rejoiced to see them happy. When therefore by their blood and treasure he had established his throne, and secured himself against the power of France, he was contented to reign over a free people; knowing that the happiness of the subject is the surest foundation of the sovereign's greatness. The Emperor Charles the Vth being a native of the Low Countries, had a peculiar love for this part of his dominions; which, during his reign, continued to increase in wealth. Philip the II^d, his successor in the Netherlands and Spain, being a prince of different dispositions, and residing in Spain, his native country, appointed the Dutchess of Parma, regent of the Low Countries, with orders to set up the Inquisition.

quisition. The common people revolted, but were soon reduced. To punish them, to insure the establishment of the Inquisition, and to prevent any future insurrections, Philip sent a reinforcement to the Dutchess, consisting of ten thousand veteran soldiers, Spanish and Italian, under the command of the Duke of Alva, an experienced general. This force produced astonishment, submission, and despair, among those who could not fly before it. " Upon the first report of this expedition, the trading people of the towns and country began in vast numbers to retire out of the provinces ; so as the Dutchess wrote to the King, that in a few days above a hundred thousand men had left the country, and withdrawn both their money and their goods, and more were following every day : so great antipathy there ever appears between merchants and soldiers * ". Many of these families came to England, and settled in Norwich, Colchester, Sandwich, Maid-

* Sir William Temple's observations on the Provinces of the Netherlands.

stone, and Southampton, under protection of Queen Elizabeth. In return for their hospitable reception, they enriched the kingdom with the manufacture of bays and says, and other linen and woollen cloths of like kind *. Some of them settled in Sweden, and carried the iron and other manufactures into that country †. Fresh exactions, cruelties, and oppressions, excited in the Netherlands fresh insurrections, which never more subsided till after a contest, which lasted upwards of forty years, the Seven United Provinces established their liberty, and were acknowledged a free and independent people. The arts, manufactures and commerce, returned with returning liberty, and wealth flowed in upon them from every quarter of the globe. If for a moment we can turn away our eyes from this scene of industry, from these rich Provinces, where peace and plenty reign, let us enquire what is become of

* Camden, p. 416.

† Lord Molesworth's Account of Denmark and Sweden.

Athens, Tyre, Sidon, Carthage, Colchis
Syracuse, Agrigentum, Rhodes, those
free cities, each of which in its day has
been the metropolis of the commercial
world? They are now no more, their
place is hardly to be found. They lost
their liberty, and with liberty, the arts,
manufactures, and commerce, have taken
their everlasting flight. Trade, like the
sun, rose in the east, and with liberty has
been travelling to the west.

C H A P. VIII.

ON AGRICULTURE.

§ I. **A**GRICULTURE depending in a great measure on the arts, manufactures, and commerce, must rise and fall with them. In vain will the farmer raise his corn, and fat his cattle, if there be not manufacturers to consume them, and merchants to transport them to a foreign market. In a free country, agriculture is carried to the highest pitch; farmers are wealthy, peasants abound, and have abundant work, all are employed, and all are happy. The farmer finds a ready market for all his cattle, corn, and wool, and the peasant goes chearfully to his labours in the field, while his wife and children sing over the spinning wheel. "The pastures are clothed with flocks,
the

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the valleys also are covered with corn, and the little hills rejoice on every side*.”

§ 2. While this island was subject to the yoke of feudal tyranny, agriculture was neglected, and the inhabitants were often swept away in multitudes by famine. The condition of the peasants was most deplorable. They were all slaves, and groaned under the most galling yoke. Marriage was too honourable a state for them to be indulged in. They bred for the benefit of their masters. They could acquire no property. They were altogether at the mercy of their lord, who might either sell them, or hang them, as he pleased. That they might be every moment reminded of their condition, they were obliged to shave their heads, while freemen wore long hair. They were in all respects on the same footing with the cattle. There were some called Villani, who could acquire property, but were yet fixed to the freehold, and

* Psalm lxxv. 13.

made part of the stock. Others again, were called freeholders; but their condition was so miserable, that they often resigned their liberty, and for the sake of protection, chose rather to be slaves*. This is still the wretched state of Poland, and most other parts of the continent. Some of the lords possess intire provinces; they oppress the husbandmen in order to have the greater quantities of corn, which they send to strangers, to procure the superfluous demands of luxury. This is their only article of commerce; had they no foreign trade they would be more happy, as the peasants would then have bread to eat, and therefore would till the ground with chearfulness†.

The condition of Russia is but little better; they have more trade, but the peasants being slaves, and having no property in the soil they cultivate, can have but little encouragement to industry, no room for emulation or ambition. The

* Robinson's Charles V.

† Montesq. B. xx. c. 21.

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nature of the government may be known by the face of the country. We may say of despots, as the prophet does of the locusts, "The land is as the garden of Eden before them, and behind them a desolate wilderness *".

* Joel ii. 3.

C H A P. IX.

ON POPULATION.

§ 1. **T**HE strength and prosperity of every nation, depends upon the number of its inhabitants. The more persons there are to bear the taxes, the lighter will the burthen be on the shoulders of each individual. The more fighting men any country can send forth, the better able will it be to defend its own borders, or to annoy the enemy.

§ 2. The number of inhabitants in any country, will bear proportion to the ease with which the man and wife can gain subsistence, together with the personal security afforded by the government of that country. Every one who is industrious may gain subsistence. Where agriculture, the arts, manufactures, and commerce

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commerce are encouraged, these are encouraged and flourish under a free government; where the government is free, there also will be the greatest personal security. Under a free government therefore, inhabitants will most abound.

§ 3. A country may be in itself barren, or only relatively so; it may produce nothing, or not enough for the inhabitants. If its produce be relatively defective, this may arise from the fecundity of the women, from habits of luxury, or from taxation; in all these cases, migrations will take place, but with different effects; in the former they will be beneficial, in the latter hurtful: but when migrations arise from oppression, they are destructive, the cause always remaining, the state must be totally exhausted in the end. Though the country be absolutely barren, yet if it be surrounded by countries subject to oppression, where property is precarious, and personal security is not provided for, this barren country, if under a free government, will abound with inhabitants.

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§ 4. Any

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§ 4. Any change in the national religion, brought about by violence, tends to depopulation, by exciting civil war. It has always been observed, that in civil wars every evil passion of the human breast rages with relentless fury; every bond is loosed; amidst the noise of arms, the laws are silent, moral obligations have no longer any force, the ties of blood and friendship are dissolved; when the devouring flames have spread, torrents of blood can alone extinguish them; but torrents of blood cannot remove the deep-rooted enmity and hatred from the hearts of the survivors. It requires ages to wipe away the remembrance of those evils which the contending parties brought upon each other. If common civil wars are so fierce, how much more fierce are those which claim the sanction of religion, even of that religion which proclaims peace on earth, good will towards men? In such wars, every species of cruelty is practised, without the least remorse; the evil passions not only are let loose,

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loose, but are urged on and armed with the authority of God.

Religion then, no longer like herself,
Assumes the port of Mars; and at her heels
Leasht in, like hounds, do famine, sword and fire
Crouch for employment.

Under the government of a despot, the established religion can have no security. Every man who has a system of religion, must have a good opinion of it, or he would renounce it; he must of necessity think it the best system, or he would change it for a better. He who has found a treasure may conceal it, that no part of it may be taken from him; but he who thinks he has found the truth, if he have any benevolence of heart, will wish to communicate it to others: and this the more readily, because he does not thereby diminish his own stock. Zeal for the honour of his God, and a hope of future reward, will urge forward this charitable work. By these motives, we may suppose the despot to be actuated, provided he happens to have a favourite system of his own. The truth is so clear to his
own

own mind, and the arguments in favour of his system are so convincing, that if men do not see the one, and feel the force of the other, it must be because they wilfully shut their eyes against the light, and obstinately refuse to yield obedience to the truth. What the force of arguments will not do, the force of authority must accomplish, and thus, either from a principle of benevolence or pride, the despot changes the national religion. This scene has been often exhibited in our island. As long as our constitution lasts, it is to be hoped, we shall never see this scene again. Should we in any future period lose our liberty, the national religion will most likely undergo another change, as destructive to the human species as fire and sword can make it.

§ 5. Nothing tends more to depopulate a country than persecution. This is the immediate and inevitable consequence of changing the national religion. Men of principle cannot be compelled by violence, to renounce what has been deeply impress'd upon their minds as truth, nor

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hastily to receive as true, what they have long been taught to reject as false. Men of honour cannot bear to be treated with contempt, as rational, and therefore capable of religion; as irrational, and therefore not fit to choose their own religion; as hypocrites and time-servers, who have hitherto professed a false religion, or who are to quit the true, merely through fear of the ruling power. Therefore, in every change, many of the priests and people, from conviction, prejudice, love, reverence, or pride, must be attached to the old religion, and from motives of conscience, interest, or resentment, will resist. This resistance is the commencement of a civil religious war, and the consequence of such a war will inevitably be, that the victors will for a time persecute the vanquished. Persecution is both the parent and offspring of persecution; and to avoid the reproaches of humanity, sometimes hides herself behind the pretence of self-preservation, and aims at extirpation; at other times, persecution puts on the disguise of charity, and professes to extirminate only with a view
to

to the happiness of mankind ; that by the excision of the infected member, the body may be preserved ; and that by punishment some may be reclaimed, and others by the example kept from errors. At other times again, persecution appears in the character of holy zeal, and for the honour of God ; her left hand holding a lighted torch, her right hand grasping a sword, she goes forth to avenge the injured majesty of heaven. Persecution tends to depopulate a country, not only like fire, by destroying, but like a whirl-wind, by dispersing. When Lewis the XIVth, in violation of his most solemn promises, and without any provocation, but only for the glory of God, and the happiness of mankind, revoked the edict of Nantz, granted to the protestants in the reign of Henry the IVth, more than eight hundred thousand people, with their money, arts, and manufactures, left France, where their fathers had enjoyed the free exercise of their religion near an hundred years*.

* Mezeray Hist. de France.

—Fifty thousand of these came to England, and brought the silk manufacture with them. Many of these fugitives carried their industry, arts, and manufactures with them into Holland, where their countrymen had found a safe retreat from the persecution of Henry the II^d. The provinces of the Netherlands having never lost their liberties, nor the cities their privileges, afforded an asylum for the persecuted of every country; they stretched forth their arms to receive and to protect the protestants driven out of Germany by Charles the Vth, and from England by Queen Mary. The persecution in these provinces, under the Duke of Alva, drove away above one hundred thousand families: but when the Seven Provinces united to defend themselves under the conduct of the Prince of Orange, and the persecution for religion began to grow sharp in the Spanish Provinces, all the professors of the reformed religion retired into the strong cities of this Commonwealth*. By the frequent

* Sir William Temple's Obs. on the Netherlands.
arrival

arrival of such swarms driven out from their own hives, the United Provinces became the most opulent, the most populous, and best cultivated countries in the world.

In the year 1666, Lewis XIV. perceiving that his country had been depopulated by persecution and civil wars, thought of providing a remedy; and therefore appointed considerable pensions to those who had ten children, and greater to those who had twelve. As if by this means he had made an ample provision for restoring population, he proceeded immediately to exhaust the blood and treasure of his subjects, with the greatest prodigality in foreign wars, and continued to do so for nineteen years; and then, to crown all, revoked the edict of Nantz, the consequence of which, we have partly seen above. This infatuated monarch was not satisfied with driving from his dominions the most industrious and peaceful of his subjects; he armed with his power Madame de Maintenon, his favourite mistress, who employed

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employed that power, and all her influence, in extirpating the protestants, and thereby depopulating the kingdom.

In the year 1236, the kingdoms of Granada and Valentia, and in 1265, the kingdom of Mercia, were recovered from the Mahometans. The body of the people in these kingdoms were Moors, as also many in Estramadura, Aragon, and Catalonia; these were all Mahometans, wore that dress, and spoke only the Arabic language. From this time the Moors, Christians, and Jews, lived in harmony, till Ferdinand, in the year 1492 took the city of Granada, and put an end to the Moorish government in Spain, after it had lasted seven hundred years. His first act was to expel eight hundred thousand Jews from his dominions; and seven years after, he called upon Cardinal Ximenes to convert the Moors. The Cardinal, who was a man of business, burnt all their Alcorans, and baptized all their children; this violence excited an insurrection in Granada, which being soon quelled, the insurgents

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gents to the number of fifty thousand were compelled to be baptized also. This insurrection was followed by a general rebellion of the Moors, who fortified themselves among the mountains, and in their towns. The king marched in person against them with his troops, and as fast as he reduced them, he compelled them to redeem their lives by being baptized. One hundred thousand of these poor wretches were, in the space of forty years, condemned by the inquisition for apostatizing; of which number four thousand were burnt, thirty thousand were reconciled, and the rest made their escape into Barbary. The inquisition still went on burning them, and seizing their effects. The same scenes were exhibited in the kingdom of Valentia. In the beginning of the last century, the archbishop of Valentia, finding that the Moors were still Mahometans, though they had been all baptized, and that they remained ignorant of the Christian religion, in which they had never been instructed, prevailed on Philip the III^d to expell

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them in the most inhuman manner, to the number of six hundred thousand, or, according to other accounts, to more than one million, at the same time plundering them of their effects. Thus did Spain lose its most temperate, frugal, industrious inhabitants, with their valuable manufactures.

§ 6. To confirm the observations made above, and in the two preceding chapters, I shall produce a few quotations, chiefly from Bishop Burnet's Travels through Switzerland and Italy.

“Switzerland,” says this good Bishop, “lays between France and Italy, which are both of them countries incomparably more rich, and better furnished with all the conveniences of life, than it; and yet Italy is almost dispeopled, and the people in it are reduced to a misery, which can scarce be imagined by those who have not seen it; and France is in a great measure dispeopled, and the inhabitants are reduced in all the marks in which it can shew itself, in their houses, furniture, cloaths, and looks. On the contrary,

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Switzerland is full of people, and in every place, in their villages as well as in their towns, one sees all the marks he can look for, of plenty and wealth, and every one lives at his ease. This surprised me yet more in the country of the Grisons, who have almost no soil at all, being situated in vallies, the soil of which is almost all washed away with the torrents falling down from the hills; yet these vallies are well peopled; and every one lives happy, and at his ease, under a gentle government; whilst other rich and plentiful countries are reduced to such misery, that as many of the inhabitants are forced to change their seats, so they who stay behind, can scarce live, and pay those grievous impositions which are laid upon them. P. 43.—In the Ferarese we were amazed to see so rich a soil forsaken of its inhabitants; and much more, when we passed through that vast town, which is now so much deserted, that there are whole sides of streets without inhabitants. I could not but ask all I saw, how it came to pass that so rich
a soil

a soil was so strangely abandoned? Some said, the air was become so unhealthy, that they who stay in it are very short lived. But it is well known, that eighty years ago it was well peopled; the ill air is occasioned by the want of inhabitants to drain the ground, and keep the ditches clean: the true cause is, the severity of the government, the heavy taxes, and frequent confiscations, which have devoured many families, and driven away many more. P. 166.—Florence is much sunk from what it was, and the other states that were once great republics, such as Siena and Pisa, while they retained their liberty, are now shrunk almost into nothing. As one goes over Tuscany, it appears dispeopled, and poor, and in many places the soil is quite neglected for want of hands to cultivate it; and in other places, where there are more people, they look so poor, and their houses are such miserable ruins, that it is scarce accountable how there should be so much poverty in so rich a country, which is all over full of beggars. The dis-

peopling of Tuscany, and most of the principalities of Italy, but chiefly of the Pope's dominions, which are more abandoned than any other part of Italy, seemed to flow from nothing but the severity of the government, and the great decay of trade. P. 176.—All the way from Florence, through the great Duke's country, looked so sad, that I concluded it must be the most dispeopled of all Italy: but indeed, I changed my note when I came into the Pope's territories at Pont Centino; where there was a rich bottom, all uncultivated, and not so much as stocked with cattle: but as I passed from M. Fiascone to Viterbo, this appeared yet more amazing; for a vast champaign country lay almost quite deserted; and that wide town, which is of great compass, hath as yet so few inhabitants, and those look so poor and miserable, that the people in the ordinary towns in Scotland, and in its worst places, make a better appearance. When I was within a day's journey of Rome, I fancied that the neighbourhood of so

great a city must mend the matter ; but I was much disappointed ; for a soil that was so rich, and lay so sweetly, that it far exceeded any thing I ever saw out of Italy, had neither inhabitants in it, nor cattle upon it, to the tenth part of what it could bear : the surprize that this gave me, increased upon me as I went out of Rome, on the other side, chiefly all the way to Naples, and on the way to Civita Vecchia ; for that vast and rich champaign country that runs all along to Terracina, which from Civita Vecchia is above an hundred miles long, and is in many places twelve or twenty miles broad, is abandoned to such a degree, that as far as one's eye can reach, there is not so much as an house to be seen, but on the hills that are on the north side of the valley : and by this dispeopling of the country, the air is now become so unwholsome, that it is not safe to be a night in it all the summer long ; for the water that lies upon many places not being drained, it rots, and in the summer this produces so many noisome steams, that it is felt even

in Rome itself; and if it were not for the breezes that come from the mountains, it would be intolerable. In a word, it is the rigour of the government that has driven away the inhabitants. P. 181.—In Apulia, the richest part of all Italy, the commons are so miserably oppressed, that in many places they die of hunger, even amidst the great plenty of their best years." P. 191.

The good Bishop describes Bologna, as enjoying more liberty than any city in Italy, and therefore full of people abounding in wealth: the same description he gives of Marseilles in France, with the same happy consequences: but of the Republic of Genoa, "there is for many miles, as it were, a constant tract of towns and villages, and all those are well peopled, though they have scarce any soil at all; and that they lie upon a boisterous sea which is always in a storm, and which affords very few fish; yet the gentleness of the government draws such multitudes thither, and they are so full
of

ON POPULATION. 183

of wealth that money goes at two per cent."

Lord Moleſworth gives the following account of Denmark. "In former times, and even till the late alteration in the government, the nobility, *i. e.* the gentry, lived in great affluence and proſperity; their country-ſeats were large and magnificent, their hoſpitality extraordinary, becauſe their plenty was ſo too. They lived for the moſt part at home, and ſpent their revenues among their neighbours and tenants, by whom they were conſidered and reſpected as ſo many petty princes. Now they are ſunk to a very low condition, and diminiſh daily, both in number and credit; their eſtates ſcarce paying the taxes impoſed on them, which makes them grind the faces of their poor tenants, to get an overplus for their own ſubſiſtence. Nay, I have been aſſured by ſome gentlemen of good repute, who formerly were maſters of great eſtates, that they have offered to make an abſolute ſurrender to the king of large poſſeſſions in the iſland of Zealand, ra-

ther than pay the taxes; which offer, though pressed with earnestness, would by no means be accepted; because estates belonging to the same gentlemen, lying in other places, which had the good fortune to be taxed less than the full value of the income, were liable to pay the taxes of any other estate appertaining to the same person, in case that other estate were not able. Through these, and several other means, many of the ancient families are fallen to decay; their country-houses, which were like palaces, being ruinous, they are forced to live meanly and obscurely, in some corner of them; unless it be their good fortune to procure an employment, civil or military, at court; which is the thing they are most ambitious of; it being indeed necessary to secure their families any tolerable subsistence, or to afford them some shelter from the injustices and exactions of the collectors.—None but the new nobility, *i. e.* such as have titles from the king, have liberty to make a will, unless it be approved and signed by the king during the

the testator's life. In case it should happen, that one who has a mind to transplant himself to another place, could find a purchaser for his estate; the law is, that one-third of the purchase-money shall accrue to the king; and indeed, if there were not such a severe law against alienations, it is possible most of the present possessors would quit the country the first opportunity. The king assumes to himself the power of disposing of all heirs and heiresses. The natives are considered much less than strangers, and are more out of the road of preferment, as all sorts of places, civil and military, are filled more by foreigners than gentlemen of the country; and in their disposal of offices, it is remarkable, that such as are of ordinary birth and fortune, are much sooner preferred than those of contrary qualities; so that here may be found several in the most profitable and honourable employments, who have formerly been serving-men, and such like; and these prove the best executors of the will

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will and pleasure of arbitrary power, and are carested accordingly.

The difficulty of procuring a comfortable subsistence, and the little security of enjoying what shall be acquired through industry, is a great cause of prodigality, not only in the gentry, but in the very burghers and peasants. They live to day, not knowing but what they now have, may be taken from them to morrow. The courtier buys no land, but remits his money to the bank of Amsterdam or Hamburgh; the gentleman, the merchant, and the burgher, spend presently what they get, before it be taken from them by taxes; the peasant, as soon as he gets a rix-dollar, lays it out in brandy with all haste, lest his landlord, whose slave he is, should hear of it, and take it from him. Thus,

Torva læna lupum sequitur, lupus ipse capellam.

VIRGIL.

The trading towns and villages, except Copenhagen, are all fallen to decay. Thus Kiog, which in Christian the IVth's time

raised freely for that king's service, in one day, two hundred thousand rix-dollars; yet upon occasion of the last poll-tax, I heard that the collectors were forced to take from this and other towns, in lieu of money, old feather-beds, bedsteads, brass, pewter, wooden chairs, &c. which they violently took from the poor people, who were unable to pay, leaving them destitute of all manner of necessaries for the use of living. The peasants are all numbered, and sold as belonging to the freehold, as trees are with us. If any of these wretches be of a diligent and improving temper, and repairs his farmhouse, making it convenient, neat, or pleasant, it is forty to one but he is presently transplanted from thence to a naked and uncomfortable habitation, to the end that his griping landlord may get more rent by placing another on the land that is thus improved. Another grievance is, the quartering and paying of the soldiers. For every hundred rix-dollars which any house is rated at, the inhabitants are obliged to quarter one soldier: thus

thus a vintner at Copenhagen, and he none of the richest, having the ground of his house valued at nine hundred rix-dollars, he consequently quarters nine soldiers on account of his house, and three more on account of his trade. The like proportion is regarded towards all others with respect to their houses and trades. Among the hardships which are imposed on these poor peasants, that which seemed to me one of the greatest, was, the obligation they lie under, to furnish the king, royal family, and all their attendants, their baggage and furniture, with horses and travelling waggons, whensoever he makes any progress, which he often does, to Jutland or Holstein, or takes any lesser journey in Zealand; nay, although it be only to his country-houses of Frederiksburgh, and Yagersburgh. In these cases, all the peasants that lie near the road, or in that district, are summoned to attend with their horses and waggons at certain stages, where they are to relieve each other; and this they often do, always at their own charges for man's and horse's meat,

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meat, for two or three days together; no regard being had to the season of harvest, which is the usual travelling time, or to any other conveniency of these poor wretches. I have frequently seen them with hundreds of waggons in a company, attending the arrival of the court, bewailing their sad condition; and as soon as the king is come up, and his coaches, with those of the other persons of quality, were fitted with six or eight boor's horses each, for they are little bigger than calves, then every lackey seizes on his boor and waggon for his own proper use; at which time, unless his pleasure be in all things complied with, the poor trembling peasant, who drives on, and takes all things patiently, without replying one word, is so beaten and abused, that it has often moved my pity and indignation to see it. Neither is it only when the king himself travels, that the boors are put to this trouble; but whenever he pleases to give his warrant to any person of quality, or officer that has a journey to make, they are obliged to this service

service and attendance. — In short, under a despotic monarch, they endure all the hardships of their old feudal system, together with those peculiar to despotism. — All eatables and drinkables brought into any towns, pay a heavy excise. They pay great stamp-duties, land-tax, poll-tax, fortification-tax, marriage-tax when any of the king's daughters is to be married, trade-money in proportion to the supposed gains, ground-rents in towns. The poll-tax is on infants as well as adults."

Mr. Swinburne, in his account of a journey through Spain, lately published, gives a very striking description of its inhabitants. He says, "The listless indolence equally dear to the uncivilized savage, and to the degenerate slave of despotism, is no where more indulged than in Spain; thousands of men in all parts of the realm, are seen to pass their whole day, wrapped up in a cloak, standing in rows against a wall, or dozing under a tree. P. 369. — They are not naturally a serious melancholy people; but misery and
discontent

discontent have cast a gloom over them; increased, no doubt, by the long habit of distrust and terror inspired by the inquisition." P. 372.—Dr. Robinson agrees with Mr. Swinburne, in attributing the declension of their trade, the loss of their wealth, and their want of people, to the despotic government introduced by Charles the Vth.*

§ 7. We must return once more to Holland and the Low Countries. We have observed, that the United Provinces are the most opulent, and the best peopled of any country in the world. This is the more remarkable, because their most opulent and best peopled provinces, are the most unhealthy of any provinces in Europe. This appears from Sir John Pringle's observations on the diseases of the army, who attributes it to the dampness of the soil, and the badness of the air and water.—The four maritime provinces produce little besides butter and cheese. The wool with which they are

* Robinson's Charles V. vol. ii. p. 262.

clothed,

clothed, and the corn by which they are fed, is not of their own growth. Every article used in building their ships, is imported from other countries. Part of this country was gained out of the sea, and is preserved with infinite labour and expence; *erat instabilis tellus innabilis unda*. It is evident therefore, that nothing but a love of liberty could induce men to leave the most fertile countries, to take refuge in this once barren and inhospitable corner of the world. We may therefore conclude, that if the Prince of Orange, either by violence or corrupt influence, should ever deprive the United Provinces of their liberties, and assume despotic power, he will find, that he has grasped a shadow: the riches, the trade, the very people themselves, will vanish, "like the baseless fabrick of a vision." The sea will destroy their dikes, that powerful invader will break in upon their land, and leave their chiefest cities to be little fishing towns, as they were of old *. The Prince of Orange mani-

* Sir William Temple's Netherlands.

fested,

tested, not only his goodness but his wisdom, when he rejected the offer made to him by Charles the 1st of England, and Lewis the XIVth of France, that they would unite their forces, to invest him with absolute sovereignty, which in the end could be no more than absolute dominion over a few miserable fishing towns.

§ 8. If England, in any future period, should lose her liberty, her citizens will seek refuge in America. This track has been already marked out to them, by those who fled into the wilderness, from the persecutions which succeeded the Reformation. These were the first settlers in North America, who, after enduring the greatest hardships, established the flourishing Colony of New England. For the last century and an half, the emigrations from Europe have been continually increasing. Colony after Colony has been settled, and yet there is room. The present contest between the Colonies, and the Pa-

O

rent

rent State, has tended greatly to the depopulation of both ; but with this difference, the one being young will soon recover strength, the other labouring under the infirmities of old age, will with great difficulty survive the conflict.

C H A P. X.

ON THE DIFFERENT RANKS AND DEGREES
OF SUBJECTS.

§ 1. **T**HE Princes of the blood can have no personal security under a despotic government, nor can the children of the despot have any attachment to each other. If the father is jealous of his children, he may easily be prevailed upon to provide for his own security, by causing them to be strangled. As he can name any one of them for his successor, they must be jealous of each other, and the more so, because the safety of the successor requires, that all his brothers should be destroyed. As the despot is not confined to his own family for the choice of a successor, they may all be set aside; which must be fatal to every

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one of them. Should he neglect to name a successor, the consequence must be a civil war, ending perhaps in the extirpation of the family, or the division of the Empire. For the confirmation of these positions, founded in the very nature of despotism, we may refer, if need be, to the History of the Roman Empire, of Russia, of Turkey, and of Persia, ancient and modern.

Under a free government, the princes of the blood, be they ever so numerous, enjoy personal security; they help to support, and are supported by the throne; they bear the highest honours, and share the most important offices in the state.

§ 2. The prime minister of a despotic sovereign, like a lofty and wide spreading oak, may excite the admiration of mankind, while, like the beasts of the field, they couch beneath his shadow. A sudden storm arises, the thunder roars, the lightnings flash, in a moment, in the twinkling of an eye, the oak is rent in twain, and the beasts which sought shelter under its branches, escape from it
with

with the utmost precipitation.—We see Haman, the son of Hammedatha the Agagite, one day advanced by Ahasuerus, and seated by his side, above all the princes of the realm, while every knee is bowed before him; the next day we behold him exalted on a gallows, fifty cubits high. In a despotic government, the prime minister can have no security for his honours, his possessions, his person, or his family. By studying every moment the humours of his sovereign, preventing and gratifying his every wish, by mean compliance, and servile flattery, he may gain his affection, and govern while he seems only to obey.

But this cannot always last. The attention cannot be kept always on the rack, yet one moment's inattention may be fatal. The minister cannot always command his passions; these may happen for a moment to stand in his master's way, and their wills may clash. The minister's inventions may not keep pace with the expectations of the sovereign, who is ever looking for new gratifications. The so-

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vereign himself, spoiled by indulgence, will in time grow fretful, unreasonable in his expectations, and weary of the same object; like a peevish ill spoiled child, he will be out of humour he knows not why, and quarrel with those who have studied most to please him. The minister may be then easily supplanted, and that even by his own creatures. But what is more dangerous than all, unless the minister can keep his sovereign constantly confined to his seraglio, his eye may wander, or even in the seraglio itself there may be concealed a mortal enemy. Against this it is impossible to provide. Mordecai was in himself a most contemptible adversary, but when supported by the beauty of Esther, he became irresistible; with the greatest ease supplanted Haman, and from sitting at the king's gate, became prime minister. The history of despotic sovereigns is little more than the history of intrigues; as often as they change their mistresses, they change their minister; the one implies the other. Neither the prudence,

nor the attention, nor the abject subjection of a minister, can prevent his being attacked from this quarter. Thus Wolfey, thus Thomas Cromwell fell, and thus have fallen thousands.—If a prime minister be not thus supplanted, yet, not being able to command events, his wisest counsels may be unsuccessful, unexpected misfortunes may happen without his fault, and for these misfortunes he must be responsible. His conduct cannot be examined in a course of law, much less by impartial judges; the sovereign himself is become lazy, and cannot endure the pain of thinking, the minister therefore must, right or wrong, be punished. This punishment differs according to the climate, and the perfection or imperfection of the despotism. Under a free government, to be dismissed implies only that the minister is out of office, retaining however, his life, liberty, and property; but under a perfect despotism, to be dismissed, and to be strangled, are synonymous; under a monarchy or bastard despotism, the minister when out

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of favour is either banished ; recent instances of which we have had in France, Spain, and Russia ; or delivered over to the laws which had been violated, or supposed to be violated, by the minister while under the protection of his sovereign ; as instances of which may be produced, the Earl of Somerset in the reign of James the Ist ; but above all, Thomas Cromwell and Wolsey in the reign of Henry the VIIIth. No subject had ever been taken from a more humble station than Wolsey, no subject had ever been raised so high. He had the Archbishoprick of York, and with it held the Abbey of Saint Albans, and Bishopricks of Winchester, Bath, and Wells ; he was at the same time Lord Chancellor, Cardinal, Pope's Legate, and Prime Minister. Thus exalted, he was courted by the most powerful princes of Europe, who were desirous of purchasing his friendship at any rate. No mortal ever possessed a greater share of pride, vanity, avarice, and ambition, or was more implacable in his resentments ; no mortal had ever
more

more opportunities of gratifying these passions. He had supplanted the Earl of Surrey, by the strength of his understanding, by his indefatigable application, and above all, by gratifying the passions of his sovereign; but, after enjoying his high dignities for seventeen years, he was at last supplanted in his turn by one, whose interest did not coincide with his. He was unfortunately as eager in his pursuit of the triple crown, as Henry was of his divorce. Henry had hitherto given up every thing to him; this he could not give up. Love is stronger than death, jealousy is cruel as the grave. Ungrateful Wolsey found it so; the beauty of Ann Bullen triumphing over the strong attachment Henry had for him; he is disgraced, banished the court, accused of high treason, and arrested; but happily for himself, disappointed his enemies by his unexpected death.

“ Farewel, a long farewel to all my greatness!
 This is the state of man; to-day he puts forth
 The tender leaves of hope, to-morrow blossoms,
 And

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And bears his blushing honours thick upon him ;
 The third day comes a frost, a killing frost ;
 And when he thinks, good easy man, full surely
 His greatness is a ripening, nips his root ;
 And then he falls, as I do. I have ventured,
 Like little wanton boys, that swim on bladders,
 These many summers in a sea of glory :
 But far beyond my depth : my high-blown pride
 At length broke under me ; and now has left me,
 Weary, and old with service, to the mercy
 Of a rude stream, that must for ever hide me.
 Vain pomp and glory of this world, I hate ye ;
 I feel my heart new opened. Oh, how wretched
 Is that poor man, that hangs on prince's favours !
 There is, betwixt that smile we would aspire to,
 That sweet aspect of princes, and our ruin,
 More pangs and fears than war or women have ;
 And, when he falls, he falls like Lucifer,
 Never to hope again."

§ 3. The nobility. This order of men
 is equally intolerable in a democracy,
 and in a despotic government ; the jea-
 lousy of the citizens excludes them from
 the former, the jealousy of the despot
 excludes them from the latter. In the
 former, all must be equal as freemen ; in
 the

the latter they must be all equal as slaves, the sovereign alone excepted. The nobility may be considered as a class of men elevated above the rest by superior fortune, and more careful education; who have a certain value stamped upon them by the sovereign, which value being only nominal, not intrinsic, cannot of itself give currency: this the nobility themselves must give, and in order to give it, must possess the intrinsic value. As they are elevated above the rest, they must feel that the eyes of men are fixed upon them, and that from them is expected the most exalted virtue, a peculiar greatness of mind, a high sense of honour, a love of liberty, with a contempt of dangers, and of death. They must seek to distinguish themselves by every thing that is great. In a word, every nobleman must feel that he is by birth a hero.— In a mixt monarchy, this order of citizens is infinitely valuable, the nobility being at once the support of the throne, and guardians of the people. In a government purely despotic, they are altogether

gether intolerable. "How can a despotic prince bear with such a thing as honour? Honour glories in contempt of life; and here the prince's whole strength consists in the power of taking it away. How can honour ever bear with a despotic prince? Honour therefore, is a thing unknown in despotic governments *".

As in a pure despotism the nobility must be annihilated, so in a bastard despotism they must be depressed, impoverished, and kept dependent on the court. It is evident, the kings of France have nothing to fear but from their nobility; will they not therefore feel it to be their interest, to keep this body in dependence, to depress and to impoverish it, till by degrees it dies away?

In the last reign, this body felt its insignificancy. When the king held a bed of justice at the time he banished his parliaments, there was not one, even of the princes of the blood, who dared to de-

* Montesq. B. iii. c. 8, 9. B. iv. c. 3.

liver an opinion; but when that creature of intrigue, the Chancellor Maupas, asked their opinion one by one, many trembled, turned pale, and answered, that they had no opinion. They are depressed, they must be annihilated. When Baron Montesquieu endeavours to prove, that it is the interest of monarchs to support and cherish the nobility, as being universally the supporters of the throne *, this is on the principle that the pure monarchy or government by *law* is not to be corrupted, that courts of justice are to continue free, and cities and all corporate bodies to retain their privileges †; but then he has very justly observed, “the rivers hasten to mingle their waters with the sea; and monarchies lose themselves in despotic power ‡.”

What has been said of the nobility, must hold good, in a degree, of gentlemen of great landed property.—When the sun appears, every star withdraws its light.

* Espr. des Loix, L. viii. c. 9.

† Ibid. L. v. c. 10, 11.

‡ Ibid. viii. 17.

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§ 4. The people. In a pure despotism there are none but people ; there is but one class, all are equal, for all are slaves ; no man has property ; his life, his liberty, his possessions, his conscience, are all at the disposal of the sovereign, or his visier.

In a bastard despotism there is a regular gradation of oppression ; as the nobles are under the most abject subjection to the monarch, they are indulged in tyrannizing over the people. In this sort of government, the people have as many tyrants as there are lords, from each of which they may expect injuries, and from none of which they can expect redress.

Libertas pauperis hæc est.

*Pulsatus rogat, & pugnis concisus adorat,
Ut liceat paucis cum dentibus indè reverti.*

Juvenal, Sat. iii. 300.

C H A P.

C H A P. XI.

T H E A R M Y.

§ 1. **I**N despotic governments there must be a standing army, because the citizens at large must not have arms, and a national militia cannot alone be trusted by this government. When one prince increases his standing army, his neighbours must also increase theirs; as they augment their troops, he must do the same. Thus, like contending hawks, they try which shall mount the highest. The number of troops being increased, the soldiers pay must be diminished. It is said, that no troops in Europe are so ill paid as the king of Prussia's—no sovereign in the world has so many troops, in proportion to the extent of his dominions.—In France, they are not much better

better paid. Baron Montesquieu says, " that the French nobility always serve their prince with their whole capital stock ; and when that is sunk, make room for others, who follow their example ; who go to war that they may never be reproached with not having been there ; who, when they can no longer hope for riches, live in expectation of honours ; and when they have not obtained the latter, enjoy the consolation of having acquired glory."—Cold consolation this for one who has spent his patrimony, that he has acquired glory for his sovereign !

§ 2. Under a despotic government, the soldiers are continually sacrificed to the resentment, ambition, or avarice, of the sovereign, his mistress, or his favourite. In reading the history of mankind, let any one calculate, and he will find, that of all the bloody wars which have been carried on, from the commencement of the world, ninety-nine out of an hundred have originated from the insatiable avarice, or the restless ambition of the sovereign,

sovereign, or from his resentment of some affront offered to his person, and this either real or imaginary. As for the prosperity and happiness of the soldier, or the subject, these are of no account in the estimation of one, "whom his senses continually inform, that he himself is every thing, and his subjects nothing."

No sovereigns have been ever more despotic than the Persian monarchs, and none have ever sacrificed more soldiers to their resentment and ambition.—When Cambyfes, the son of Cyrus, after subduing Egypt, determined to attack the Ethiopians with his whole army, without considering, that he had neither provisions, nor any thing necessary for such an expedition; what could they do? He compelled them to follow him through the desarts, where fifty thousand of his soldiers were overwhelmed by clouds of sand, and more died of hunger, while he fared sumptuously every day*.

* Herodotus, L. iii.

The expedition of Darius against the Scythians, was equally destructive to his soldiers, without their having a probability of gaining any advantage for themselves, or for their country. This people had neither towns nor houses; they inhabited an uncultivated country; they roved from spot to spot, to seek pasture for their flocks, which, with liberty, was their only property. Darius did not want their flocks, he wished to rob them of their liberty. His brother Artabanus remonstrated against the injustice, the folly, the madness of the enterprize; but in vain. The Scythians being informed of his intentions, sent their flocks, with their old men, women, and children, to the most northern part of their territory, filled up their wells, and then marching with their allies to meet the king, who invaded their country at the head of seven hundred thousand men; they decoyed him into the heart of their country. The farther he advanced, the greater hardships he endured, and the more difficult and dangerous his retreat became.

became. Weary at last of proceeding in a country where nothing was to be got, and of pursuing an enemy whom he could never bring to action, but who was continually harassing his troops, he fled with the greatest precipitation from a ruin which seemed inevitable, and with the shattered remains of his vast army, he re-passed the Danube*.

His successor invaded Greece at the head of the greatest army which Asia ever poured forth, his land forces alone amounting to above two millions. The greatest part of these fell as victims devoted to his ambition. Defeated at the Straits of Thermopylæ, and again at Salamin, by men who fought for liberty, he retired with precipitation, through a country where he had made no provision for the support of his troops; and after a continued flight of five and forty days, he crossed the Hellespont in a little boat, and almost alone, leaving the famished remnant of his army to provide for its own security.

* Herodot. L. iv.

Though the sovereigns of Persia, as being most despotic, have been most prodigal of the soldiers blood, the princes of Europe have not been oversparing, when they have had it in their power to indulge their private piques, their ambition, or their avarice. Such were the English princes who fought to conquer France, or in other words, to translate the seat of Empire, and reduce England to a Province. In this mad pursuit, as many lives were lost as Xerxes lost in his attempt to conquer Greece. Such were Francis the Ist, and Lewis the XIVth of France; such Charles the Vth of Germany, and Charles the XIIth of Sweden; such the king of Prussia. On the other hand, such princes as have not been strong enough to attack their neighbours, have hired out their troops to other princes, and have, from an insatiable avarice, sent them to murder those who never injured them. "The Chief Priests of the Jews took the silver pieces, and said, it is not lawful to put them into the treasury, because it is the price

price of blood*." The sovereigns of Germany are not of the same way of thinking. It is said of Dionysius the younger, that he made a debauch, which continued for three months entire, during all which time, his palace, shut against all persons of sense and reason, was crowded with drunkards, and resounded with nothing but low buffoonery, obscene jests, lewd songs, dances, masquerades, and every kind of gross and dissolute extravagance. One would imagine he had just received a subsidy for the hire of his troops. Such precisely was the conduct of the Prince of Hesse, when he received the first subsidy from England, for the troops which went over to America. He sent to Paris for players, dancers, and prostitutes, and continued his debauch till his money was all gone. It was not to be imagined that his soldiers in the mean time, would gather laurels in America. When citizens become soldiers, and fight for the *laws* and

* Mat. xxvii, 6.

liberties of their country, they are capable of performing wonders; witness Marathon! witness Thermopylæ! But when slaves are sold, and know that they are sold, how can it be expected that they will fight.

§ 3. Montesquieu observes, that “the English know better than any other people upon earth, how to value at the same time, these three great advantages, religion, commerce, and liberty.” There is a remarkable connection between these; they tend to produce or promote each other. Religion and commerce are so congenial, that in many instances, they produce the same effects. If religion teaches, requires, and induces men “to beat their swords into ploughshares, and their spears into pruning-hooks;” so also does commerce. If the spirit of commerce were to prevail universally, “nation would not lift up sword against nation, neither would they learn war any more *”. Commerce softens

* Isaiah ii. 4.

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and polishes the manners of men. It unites them by one of the strongest of all ties, the desire of supplying their mutual wants. It disposes them to peace, by establishing in every state, an order of citizens, bound by their interest to be the guardians of public tranquillity *. No nation values trade more highly than Holland; and no nation takes more pains to live in peace. Their soldiers are ready to defend their country if attacked, but are not harrassed and worn out by hard service in foreign climates, nor hurried from the frigid to the torrid, and from the torrid back again to the frigid zone, to make new conquests for a despot, and increase the number of his slaves. Their duty is easy, their employment honourable.

It is the interest of the soldier to preserve the liberty of his country.

§ 4. Soldiers are men. Liberty is as valuable to them, as to other citizens.

* Robinson Charles W. vol. i. 97.

They have relations, they have friends, in whose happiness or misery they must sympathize; but independent of this consideration, it is evident that they must share in the happiness or misery of the country where they dwell. It is yet further evident, that they cannot put a yoke on the neck of their fellow citizens, without at the same time being slaves themselves. It can be but small consolation to the Janizaries in Constantinople, that they are sometimes able to dethrone one Sultan, and exalt another; for hereby they only change their master. The new Sultan loves the treachery, but hates the traitors; he will therefore secure the possession of his new dignity, by the destruction of those who raised him to it. In other States, the soldiers have not even this consolation. Every soldier who is a man of principle, considers, that his first duty is to his country, and to the chief magistrate only as the executor of his country's laws; hence the beauty of that epitaph over Leonidas and the heroic

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Spartans, who died gloriously at the Straits of Thermopylæ, fighting for the liberties of Greece ;

Ω ξειν ἀγλειον Λακεδαιμονιοις, ὅτι τη δε
Κειμεθα, τοις κεινων παιδομενοι νομιμοις.

Go stranger, tell the Lacedæmonians, that we lay here, having died in obedience to *the laws*.

The only consolation a foldier can have, under all the dangers, hardships, and fatigues of war, is, that he is fighting for his country, his religion, or his liberty.

CHAP.

C H A P. XII.

ON PROTECTION AND ALLEGIANCE.

§ I. **P**ROTECTION and Allegiance are reciprocal. If these are found under a despotism, they must be merely accidental, for they have no natural connection with it. A despot is naturally lazy, voluptuous, and ignorant*. In consequence, he neglects the management of public affairs, and devolves that load on a prime minister, a creature of his own, a favourite whom “he delighteth to honour, and to whom with pleasure he communicates his greatness, and his power.” In the choice of a favourite he is not guided by merit,

* Montesqu. Espr. des Loix, L. ii. c. 5.

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by great abilities, by integrity, by application to business : men of this description would be unfit for his intimacy and confidence. The most base, the most abject, the most vile and contemptible of men, who can flatter his vanity, suit themselves perfectly to his disposition, and sacrifice every thing that is sacred to his will ; these are the men who gain his friendship ; and having gained it, they, in order to secure it, supply him continually with new amusements, and keep him always employed in feasting, abandoned to women, and intoxicated with pleasure. If men of public spirit happen to get near the throne, the alarm is taken, the favourite trembles for his empire, prepares to repel these enemies, and assembles all the powers of earth and hell to destroy or to drive them off.

Thus Clarendon was driven from the presence of Charles the II^d. He was a man of virtue, and loved his country ; and as such, was not to be endured in a court like that of Charles, nor by such a favourite as Buckingham. The favourite
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ite began with making him ridiculous and contemptible before the king, then proceeded to accuse him of treason, and never rested till he got him banished. This had been the fate of Plato. Dionysius the younger, tyrant of Syracuse, had the curiosity to send for Plato, and for a time heard him gladly. His favourites, his flatterers, his profligate companions, not being able to divert him from his purpose, took the garb of virtue, and commenced Philosophers; but at the same time uniting against Plato, as a common enemy, they succeeded in making the young monarch jealous of him, and at last procured his banishment from court, where gluttony, drunkenness and debauchery resumed their empire*. As the favourite sacrifices to the sovereign, the sovereign is not ungrateful; but in his turn, sacrifices the interest of all his subjects, and sometimes his own also, to the favourite. When Haman the Agagite was offended with Mordecai the Jew,

* Plut. in Dion.

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he could not be satisfied with wreaking his vengeance on him alone, but desired to sacrifice to his resentment, all the Jews scattered over the whole Assyrian Empire, from India to Ethiopia; he offered to purchase them of Ahasuerus; but his royal master, who knew no bounds, either to his power, or his generosity, freely gave them to him, old and young, little children and women, to be destroyed in one day. When the decree was given, and the messengers dispatched, the king and Haman sat down to drink*. Charles the IXth of France was under the influence of his mother, and her Italian favourites: to keep him in a state of dissipation, they tried in vain the powers of wine and women, for he was not to be debauched. In order to make him absolute in his dominions, or from a hatred of the protestants, or from both these motives, they determined to massacre the huguenots; who, as being protestants, were the chief support of liberty

* Esther iii. 8—15.

in France. The queen mother, after decoying to Paris the leaders of that party, after causing the king to load them with favours, in order to banish their apprehensions, after having prepared every thing for the perpetration of her horrid purposes, she went to the king at ten o'clock at night, and begged leave immediately to murder all his protestant subjects then in Paris; with liberty at her leisure, to destroy those who were scattered over the several provinces of his dominions. This liberal monarch, had no sooner granted her request, than she caused the signal to be given for the massacre: immediately the dukes of Guise and Anjou flew from street to street, with their assassins, entered the houses of the protestants, murdered them in their beds, spared neither rich nor poor, neither old nor young, neither women nor children; and continued this carnage for seven days, till they had destroyed upwards of five thousand in the city; of which, near six hundred were of the genteel families. Though the
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queen found it difficult when the hour was come, to gain her son's consent, he had been all along privy to the plot, and even helped it forwards by his deep dissimulation; a vice in which he gloried, and afterwards seconded this blow, by sending orders to the governors in all the several provinces, for the huguenots to be murdered. In consequence of these bloody orders, upwards of five and twenty thousand protestants were massacred in the provinces. I cannot help observing, that soon after this, Charles was taken ill, languished for near two years, and died with blood gushing out from the pores of his skin, and from every orifice of his body*.

We have already seen what sort of protection the subjects of Lewis the XIVth found, when, after the death of his queen, Madame de Maintenon, his favourite mistress, had gained the entire ascendant over him; and when by her advice, he had revoked the edict of Nantz, and driven eight hun-

* Mezeray Hist. de France.

dred thousand people out of France. This woman spread terror through the kingdom : not contented with banishing so many families, and plundering them of their substance, she compelled the protestants who remained in the kingdom, to conform to a religion which they abhorred ; she committed them to prison, sent them to the gallies ; she caused them to be hanged, and even broke them on the wheel. Many thousands, after the first migration, were willing to give up their possessions if they might be permitted to leave the kingdom, but she compelled them to stay in it. Her power was absolute ; even the princes of the blood trembled at her frown ; she disposed of every thing to her own creatures in the state, in the army, in the navy, in the church. To support her extravagance, and their monarch's wars, the people were oppressed by a load of taxes, rendered at last so insupportable by a poll-tax, that many died of famine, while others, merely to get bread, entered into the army, and soon came to
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an end of all their miseries in Flanders. —She seemed fully to comprehend the maxim of her minister Cardinal Richlieu, that the people must be impoverished to make the kings of France absolute. This absolute power was only exercised by Lewis the XIVth, it remained for his great-grandson Lewis the XVth, to establish it. For this the French nation is indebted to his last mistress, who had been a common prostitute, before she was introduced to the sovereign by court intrigues. The consequence of this introduction was a change in the ministry, a total destruction of the constitution, the banishment of all the parliaments, and the establishment of despotic power. From that fatal period, the whole nation, from the peasant up to the first princes of the blood, have been, and must be, wholly dependent for protection, on the caprice of the sovereign, his minister, his favourite, his mistress, or his confessor.

§ 2. If we examine the history of England, we shall find, that most of our princes who have offered violence to our

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constitution, who have set themselves above the laws, and who have neglected to protect the people, have had their *favourites*; whose happiness has been dearer to them than the prosperity of the nation.

When *Edward* the II^d succeeded to the throne, he found the kingdom in a most flourishing condition. The wars of his father had been abundantly successful, and had considerably enlarged his dominions. The factions which had disturbed former reigns, were now no more; and a good understanding subsisted between the people and the crown. Edward, at the age of twenty-three, ascended the throne, amidst the loudest acclamations of a people, who being prepossessed in his favour, had formed the highest opinion of him, and entertained the most flattering hopes, that what his father left unfinished, would be perfected by him. This opinion was too soon changed, these hopes were too soon blighted. In his youth he had formed an unhappy attachment; an attachment
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to one unworthy of his favour; an attachment to one who was born to be his ruin. Gaveston, by birth a Gascon, taking advantage of his youth and inexperience, gained an absolute ascendant over him, and abused his confidence. This haughty favourite alienated from Edward the hearts of all his subjects, and kindled in the nation a civil war, which, though often smothered, was continually bursting out, till it had consumed the chief parties in the contest. Gaveston having lost his head, was soon succeeded by the Spencers, who had the same influence over Edward, and equally abused his confidence. These new favourites, by indulging too freely their ambition first, and afterwards their revenge, rekindled the smoking embers. So universal was the dissatisfaction of the nation, that soon after the queen had landed with less than three thousand men, she saw herself at the head of a powerful army, while the unhappy king, deserted by all, his favourites alone excepted, was obliged to hide himself in Wales, where

he could not long be hid. He was taken prisoner, deposed, confined, and soon after murdered.—His son, aged sixteen, succeeded his father in the throne. This great prince being a minor, his parliament nominated a regency, but his mother seized the government, and maintained her usurpation for near four years. During this period, her favourite, Roger Mortimer, had the sole management of affairs, disposed of every thing to his own creatures, and sacrificed the interest of the nation to his own ambition.

Richard the II^d was very unhappy in the choice of favourites; in their support he lost the affection of his subjects, his crown, his life. He manifested in the beginning of his reign, that his aim was not the happiness of his people, but the indulgence of his favourites, and the acquisition of arbitrary power. These servile flatterers, by their intrigues, raised a storm which burst on their own heads. Some of them were banished, and others suffered death, as the punishment of their crimes. Among these last was Judge
Tresilian,

Trefilian, who had a few years before indulged his savage disposition in passing sentence, without mercy, on the unfortunate and deluded rabble who had made an insurrection in the beginning of this reign, when above fifteen hundred suffered by the hangman's hand.—This Judge was accused of treason, condemned, and hanged at Tyburn.

Richard was not long before he had new favourites, and made his subjects submit to new oppressions. His liberality towards his favourites, and his own prodigality, reduced his finances, and made it necessary to call a parliament. By a proper choice of sheriffs, and by securing the returning officers in the cities and boroughs, he obtained a parliament at his devotion, but unfortunately the members were not the representatives of the people. This good-natured, this well-chosen parliament, sacrificed every thing to his ambition, till at last, vesting their whole authority in a small number of commissioners, the king, twelve peers, and six commoners, had the sole go-

vernment of the nation. The king being thus exalted, displayed his despotic power, not by protecting, but by plundering his subjects. Sixteen whole counties were unjustly condemned as guilty of treason; the estates of all the inhabitants were declared to be forfeited, and the possessors were obliged to redeem them of the king. From the inhabitants of other counties he borrowed what sums he pleased. Of the money thus raised, his favourites could give the best account. While the nation was groaning under oppression, while the Scots were making incursions from the North, and the Irish rebelling in the West, his flatterers persuaded him that his subjects not only bore his yoke with patience, but esteemed themselves happy under his government. — It was not long before Richard had an opportunity of seeing the difference between flatterers and friends, and that favourites are the mere echo of their sovereign's wishes. — The Duke of Hereford, son to John of Gant, landing at Ravenspur with only eighty men,

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men, saw himself, in a few days, at the head of sixty thousand men, and in a few days more, in the peaceable possession of a crown, to which he had no other title than that of being the deliverer of an injured people. This Revolution was brought about without shedding any blood, but the blood of Richard's ministers and favourites, who were given up to the resentment of the people, and beheaded at Bristol. A generous people looked with pity on the misfortunes which their sovereign had brought upon himself, though he had never pitied them. Considering the greatness of his fall, their resentment was turned to compassion; forgiving and forgetting the injuries they had suffered from his favourites, they were ready to make his cause their own, and to shed their blood to procure his restoration. If princes did but know how natural it is for subjects to love their sovereign, even at the very time they are driven into rebellion by the oppression of his favourites, they would be more indulgent than they

commonly are ; more ready to listen to their complaints, and to redress their grievances. The sovereign and his people can have but one interest ; though the sovereign is often blind to this common interest, the people are seldom so, and never for any length of time.—The restoration of the deposed monarch was, perhaps, only prevented by his sudden death.

When *Henry* the VIth took the reins of government, the nation was exhausted of men and money, by a war which had lasted near thirty years : it was therefore of the last importance, that a good understanding should subsist between king and people. This good understanding was destroyed by the Earl of Suffolk, who brought about a marriage between his sovereign and Margaret of Anjou, niece to the queen of France ; for the purchase of which alliance, he gave up Mans, and the whole province of Maine, at the very time when the nation was at war with France. This princess brought with her a love of power, not suited to the

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the government of a free country. Assisted by her favourite, the Earl of Suffolk, she soon removed out of her way the Duke of Gloucester, who had not approved of this alliance for his nephew. The Duke of Gloucester was universally loved and revered; the Earl of Suffolk was equally hated and abhorred. As the Earl had given up for the queen one province of a country, to subdue which this nation had been engaged in war for thirty years, the queen was not ungrateful. Soon after the murder of the Duke of Gloucester, as a reward for all his services, she made this favourite, Duke of Suffolk, and then filled every department with his creatures. His death made no alteration; the Duke of Somerset succeeded him, whose whole attention was taken up in endeavouring to establish arbitrary power at home, while he neglected foreign affairs, till, at the end of a thirty-eight years war, every thing was lost in France, except Guisnes and Calais; and what was worse than all these losses, the queen had long since alienated

alienated the hearts of her subjects, and prepared the way for that contest, between the two Houses of York and Lancaster; in the determination of which, the best English blood was shed. By her violence and impolitic severity, she seated her antagonist on the throne, and brought ruin on her husband and her son.

Edward the IVth being raised to the throne, from which he had expelled *Henry* the VIth, did not long enjoy that throne in peace. He made great sacrifices to love, but not to the love of arbitrary power. His ingratitude to his friends, his neglect of the old nobility, and his partiality to his new relations, lost him a crown; which, however, his courage and conduct soon recovered. *Edward* himself was extravagantly fond of pleasure, his queen was equally fond of power. Not contented with ennobling her own relations, she prostituted the honours and employments of the state, by bestowing them on her creatures, on men in whom the nation could have no confidence,

fidence, at the same time banishing from court the *ancient* nobility, and filling their places with the new. These new favourites, being many of them pensioners to Lewis the XIth of France, sacrificed to him the interest of the nation; being the creatures of the court, they encouraged the king to raise money by unlawful means; and among others, by accusing the rich of treason, and then compelling them to compound for pardons, or in case of refusal, confiscating their estates.—By this conduct the queen alienated the affections of the people, and made way for the Revolution which happened in the succeeding reign.

On the death of Edward the IVth, his brother the Duke of Gloucester easily obtained the regency. This monster, having thrown off the mask, made it evident that he aspired to the crown by sacrificing all those who could oppose him in his design. Through the assistance of those who only meant to oppose an ambitious queen, he got possession of a throne, to which we may say without exaggeration,

tion, he waded through blood, and his way to which was made plain by the queen herself, when she unjustly sacrificed the Duke of Clarence to her resentment.

It was not possible that the crown should remain long on the head of a sovereign, who making every thing give way to his ambition, could not boast the heart of one subject. He had the parliament at his devotion, but what could *his* parliament do for a prince who had not the affections of his people ! Parliaments, when they are not the representatives of a free people, are only like the Jewish rabble, one day crying, Hosanna to the king of Israel ! the next day, Crucify him ! crucify him !—Richard kept possession of the crown long enough to make those repent who had put it on his head ; two of these he murdered, and by the third he was dethroned. Lord Stanley, who turned the fate of the day at Bosworth, never meant to be disloyal to his sovereign Edward the Vth ; he was disgusted with the conduct of the queen, and much offended that every thing should

should be sacrificed to her flatterers and favourites; he meant only to exclude her from the regency; and in this he acted the part of a good citizen. When he found, contrary to his expectation, that Richard was a traitor, he opposed him; when this traitor had murdered his royal nephew, and the Duke of York his brother, Stanley held this deed in execration. When the Earl of Richmond, heir of the house of Lancaster, had promised to marry the princess Elizabeth, heiress of the house of York, and met the usurper in the field, Stanley proved, that together with the keenest resentment there may be the firmest loyalty, by giving victory to the Earl of Richmond, and placing the crown upon his head in the field of battle.

Henry the VIIth obtained the crown by the swords of the house of York; this he felt to be such an injury, that he never could forgive them; he treated them as his only enemies, till at last he made them so. Having accepted the crown in the field of battle, from that time he acted

acted as king ; in October following he was publicly crowned ; in November he met his parliament, and caused the crown to be settled on him, and on the heirs of his body. Though the crown belonged of right to Elizabeth he would not suffer her to be named in the act of settlement, nor marry her till the next year ; nor would he permit her to be crowned till the latter end of the year after. The only pursuit of Henry, during the whole course of a long reign, was, to plunder and oppress his subjects, in which he was well seconded by his two ministers and favourites, Empson and Dudley. It seemed as if his highest ambition was to alienate the affection of his subjects. In this he succeeded so well, that his reign was often disturbed by insurrections and rebellions. By keeping the last male-heir of the house of York close prisoner in the tower, and finally cutting off his head, he contrived to secure a throne, which he felt was continually trembling under him.

He lived unregarded ; he died un-lamented.

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In the reign of *Henry* the VIIIth despotism was in its meridian glory. This sovereign, considering that he himself was every thing, and his subjects nothing, put no value on their persons, their property, their consciences, or their lives ; whom he would, he slew, and whom he would, he suffered to live. When he chose to delegate his power, he took the beggar from a dunghill, raised him suddenly to the pinnacle of honour, and as suddenly cast him down. His father's favourites he sacrificed to the resentment of the people, his own favourites were sacrificed in their turn, but then it was ever to gratify his own resentment. Henry, giving himself up intirely to his pleasures, soon dissipated the treasure which had been collected in the former reign. The management of affairs he left wholly to his favourites : the first of these was *Wolsey*, who, while he seemed implicitly to obey, exercised the most absolute dominion, and made every thing give way to his own ambition. During his administration, no war was undertaken,

undertaken, no peace concluded, no alliances entered into, but with a view to his own private interest. Happy enough in being able to please his sovereign, it was a matter of little importance to the favourite, what became of the nation and its interests. All his creatures were brought near to the throne, all his enemies were banished from it. His insatiable avarice and ambition made him seize on all church preferments, violating without restraint the rights of patrons; what he chose he kept, the remainder he gave to his dependants. That he might with the greater ease plunder the subjects, he erected a new court, and as legate presided in it by his deputy. The jurisdiction of this court extended to the life and manners of the people, and to all matters of conscience. A wide field this for avarice to range in, where the judge could not fail to meet with a rich booty, having unlimited power to punish those who should refuse to compound with him. The love of Henry to him, was only less than the love of women. This proud favourite

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favourite was permitted with impunity to sell the nation ; but when he trifled with his master's passion for Ann Bullen, he brought swift destruction on his head. Aiming at the papal crown, he bid too high for the Emperor's interest in the conclave, when he spun out the process for Henry's divorce from Catharine. If he could have brought himself to offer one sacrifice to his sovereign, he might have reigned for ever in his affections, and the whole kingdom would have continued at his disposal. His ambition alone had united the emperor and Henry against France. When that kingdom was ruined, Wolsey, twice disappointed of the papacy, was determined to take vengeance of the emperor, and therefore made England and France unite against him ; but his ambition blunted the edge of his resentment. Wolsey, who had been long "accustomed to the intricacies of a crooked and insidious policy," wished to let the emperor see what he had to fear ; but at the same time, he was very unwilling to make the breach irreparable.

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Between his resentment and ambition he was perplexed, and could not determine which to gratify. In this suspense he was irresolute ; sometimes he inclined to take revenge, and pushed the divorce ; at other times ambition prevailed, and made him tardy ; between them both, he fell ; grasping at too much, he lost all. —To carry on this war against the emperor, he issued out commissions in the king's name, to levy the sixth of every layman's goods, and a fourth of the clergy's. The kingdom being alarmed, the king disclaimed the commission, and declared, that he meant only a benevolence ; but this being only another name for a tax to be levied without consent of parliament, the ferment increased, and a rebellion broke out in Suffolk ; the king gave way, and the rebellion did not spread ; but soon after this, new oppressions excited fresh insurrections ; and the several rebellions which broke out in Lincolnshire, in Yorkshire, and afterwards in Cumberland, would have been very formidable at other times, and in other

other circumstances; they served however to shew, that Henry had lost the affections of his subjects, though they did not produce a revolution. He was unworthy of their affection, because his perverse will was with him the sole measure of law and justice. His keeping up the forms of the constitution, was an insult on his subjects, while he made his parliaments ridiculous, contemptible, odious, intolerable, the instruments merely of violence and oppression. When he thought the Duke of Buckingham had lived long enough, why did he not have recourse to the bowstring? Why involve his parliament in the guilt of shedding innocent blood? Why did he not send a sleepy potion to his queen Ann Bullen, when he had fallen in love with Jane Seymour? Why did he not open the veins of his favourites, when he was weary of them? And why did he not order off the heads of the Earl of Surrey, the Duke of Norfolk, the Marchioness of Exeter, and the Countess of Salisbury, by his own authority? He chose rather

to triumph over his parliaments, and make them pass bills of attainder, without bringing the parties to trial, or attempting to produce any proof against them. He should have been contented to exercise the authority with which his parliament had invested him, when they settled the supremacy on him, and passed the six articles of religion, as by the former of these the lives of all the Roman catholics, and by the latter the lives of all the Protestants were wholly at his mercy.—Henry did not wish to reign in the hearts of his subjects: the principle of his government was fear: he was a despot.

The short reign of *Edward* the VIth was a reign of great confusion; in the former part of it, his uncle, as Protector, usurped an arbitrary power; in the latter part of it, the Protector was supplanted by the Earl of Warwick, and lost his life upon the block, as the Earl of Warwick himself did in the succeeding reign. The insurrections in this reign arose partly from the change in the national religion,

gion, but chiefly from the oppressions which the poor met with from the rich by their inclosures. The restless ambition of the Earl of Warwick proved his ruin. By marrying his son to lady Jane Grey, and procuring an assignment of the crown for her, he hoped to be continued in the protectorship, which he had seized; but his tyrannical disposition made him hated and abhorred by all ranks of people. His abject soul sunk at the first appearance of difficulty, and he himself proclaimed Queen Mary.

Queen Mary trod in the steps of her father, and wrote the annals of her reign in blood. Her last proclamation shewed how fit she was to be trusted with despotic power, how much she loved her subjects, how ready she was to protect them, and what pains she took to secure allegiance. In this proclamation she declared, "That whoever had any heretical books, and did not presently burn them without reading, should be esteemed rebels, and executed without delay by martial law."—In her short reign

there was only one insurrection; this was raised by Sir Thomas Wyatt, a Roman catholic. He dreaded the queen's marriage with Philip, who, being a Spaniard, made the English fear lest he should introduce the inquisition, and arbitrary power. Their fears were not without foundation; for he did this afterwards in the Netherlands.

Queen Elizabeth had some title to arbitrary power, by that argument which would prove absolute monarchy to be the best government, as that by which God himself governs the universe, because she partook of his wisdom and goodness*; yet no sovereign ever made a more temperate use of power, considering the peculiarity of her circumstances. When she ascended the throne, she found a blood-thirsty religion established in the kingdom; she had been witness to the devastation it had made, and knew that nothing less than the extirpation of the Protestants would satisfy its votaries.

* Locke on Government.

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She had a formidable rival in the person of Mary Queen of Scots, who was of this sanguinary religion ; and no contemptible adversary in the person of the Pope, who being the head of this religion, was acknowledged as universal sovereign, and the great disposer of kingdoms. There was no way for her to stop the effusion of human blood, but by changing this religion ; for *this religion cannot tolerate* : neither was there any other way for her to provide for the security of her own person, and the allegiance of her subjects. In the eleven first years of her reign, not one Papist was persecuted for his religion : but after Pope Pius the Vth had published his bull, absolving her subjects from their oaths, and their allegiance ; after many conspiracies had been formed, and frequent attempts had been made by Catholics and Jesuits to assassinate her, with a view to seat Mary on the throne, no wonder that she should contract the bounds of toleration : yet for ten years after this, not above twelve priests were put to death, and most of these for trea-

son *. The massacre of Paris; the league formed in France for the extirpation of the Huguenots, with the Duke of Guise at the head of it; the assassination of Henry the III^d; the ravages made by the religious wars in France; all conspired to make the queen every day more jealous of the Roman catholics. When therefore they professed to owe her no allegiance, and acted agreeable to this profession, they had no right to expect protection. Considering her circumstances; it is by no means to be wondered that she should "at times carry the prerogative as high as her most arbitrary predecessors †." Such times, such circumstances, required a Dictator; yet with less than a Dictator's power she contrived to keep peace for near half a century, her wisdom and moderation supplying the place of power. During this period "trade flourished, riches increased, the laws were duly administered, the nation was respected abroad, and the people happy at

* Camden, p. 649. † Blackstone, iv. 433.

home."

home *." She chose for her ministers Sir Nicholas Bacon, and Cecil Lord Burleigh, men of the greatest abilities, and undoubted integrity ; these were her favourites. She sought men for places, not places for men. She was a remarkable œconomist: she loved her people, she studied to please them, and lived upon the best footing with her parliaments. By these means she reigned in the hearts of her people, and was sure of their allegiance. Every one who is acquainted with the history of Europe during her reign, must be struck with the happiness of the English under her wise and equitable government, and the direction of her able ministers, contrasted with the misery, either of the Scots, under the arbitrary government of Mary and her *paramours*; or of France, under Charles the IXth, his mother, and her *favourites*; or of Spain, and the Low Countries, under Philip and his *priests*. In all these we find neither protection nor allegiance, but the most destructive

* Blackstone Comm. vol. iv. p. 433.

civil wars, and horrid carnage of the human species.

James the 1st was by no means qualified to wield a despotic sceptre. He had the misfortune to be not only weak in his understanding, but obstinate in his disposition, fond of flattery, and attached to favourites. He had the most extravagant ideas of his prerogative, and was impatient of controul. From hence arose his love for the Roman catholics, and his hatred to all other non-conformists. In the choice of favourites, he was not determined by great abilities, for he needed not advice; he was attracted solely by the beauty of the person; every thing else he had power to give. His first favourite was Robert Carr, a Scots gentleman, about twenty years of age, whose beauty struck the king; for of all wise men living, says Lord Clarendon, he was the most delighted with handsome persons and fine cloaths. The king soon created him Earl of Somerset, and in the space of five years, this favourite accumulated more than two hundred

dred thousand pounds in money, plate, and jewels, besides nineteen thousand pounds a year in land. After he had been condemned for the murder of Sir Thomas Overbury, the king granted him four thousand pounds a year, reprieved him from time to time, and finally pardoned him. This favourite, after he had reigned five years without a rival, was supplanted by George Villiers, a young gentleman of small fortune, but handsome, and elegantly dressed; who, though no sailor, was soon made high admiral, and by degrees gained the sole and absolute disposal of every thing at court. He was afterwards created Duke of Buckingham. Lord Clarendon says, "he exalted almost all of his own numerous family, and dependants, whose greatest merit was their alliance to him; which equally offended the ancient nobility, and the people of all conditions, who saw the flowers of the crown every day fading and withered; whilst the demesns and revenue thereof were sacrificed to the enriching of a private family,

scarce

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scarce ever heard of before to the nation; and the expences of the court so vast and unlimited, that they had a sad prospect of that poverty and necessity which afterwards befell the crown, almost to the ruin of it *.” The king having alienated almost all the crown lands, had recourse to unconstitutional methods of raising money; aids, benevolences, loans, monopolies, sale of honours, fines, and compositions. The money thus extorted from the subjects, was squandered on favourites, and the creatures of the court. To render his government complete and uniform, this wise king quarrelled with his parliaments, and imprisoned their members. Not contented with this, he harassed and oppressed his subjects, by means of the star-chamber, and court of high commission. Wholly occupied in gratifying his favourites, and establishing an arbitrary power, he neglected the interests of the nation, or sacrificed them to his avarice and ambition.

* Tom. i. p. 10.

Charles

AND ALLEGIANCE. 253

Charles the 1st, having the same views, the same pursuits, the same favourites as his father, trod in the same steps, until he met with an untimely fate. His murderer, not having even the shadow of a title to the crown, could not expect allegiance; had he lived, he must have been a tyrant; "fire would have come forth from this bramble, and would have devoured the cedars of Lebanon *".

Charles the 2d was not qualified to govern a free people. He loved pleasure, he hated business. Incapable of friendship, he had not one favourite, but he had many creatures. Surrounded by his mistresses, and most abandoned debauchees, he led a dissipated life, and squandered away, in idle expences, the immense sums granted him by parliament; for, while his vast revenue was consumed on one hand by his mistresses, and plundered by his creatures on the other, he was continually asking his parliament for fresh supplies, under various false

* Judges ix.

pretences,

pretences, and never asked in vain. Thus his court became a school of debauchery, where his mistresses ruled, and by their cabals and intrigues disposed of every thing. While Charles was given up to pleasure, others laboured for him: at the head of these was the Duke of York, his brother; who, being a bigot, wished to make the king absolute, that he might establish the Roman catholic religion in England; while the king, who was no bigot, could wish only to introduce the Catholic religion, that he might establish arbitrary power. Father Orleans, the Jesuit, acknowledges, that the design of the court, from the beginning, was to make the king absolute; and king James the II^d, in his manuscript history, preserved in the Scots collection in Paris, under the care of Father Gordon, confesses, that the design of the *cabal* was to change the national religion, and establish Popery. Charles was a pensioner to Louis the XIVth, and betrayed his country to that restless monarch. All Europe was astonished to see England, without provocation,

cation, and contrary to her interest, assisting France to over-run the Netherlands, and swallow up the Dutch. The mystery is now perfectly cleared up, by the above-mentioned manuscript ; from which it appears, that as a recompence, Louis was to assist Charles in overturning the constitution, and changing the religion of his country. To defray the expences of this war, the king, hoping he never should have occasion to meet his parliament again, shut up the exchequer. Louis, in one campaign, took sixty-five places, subdued the greatest part of the United Provinces, and was proceeding to invade Holland with one hundred and fifty thousand men, when they opened their sluices, and laid the country under water. The combined fleets could have transported any of these troops to England, had the king of France been sincere in his professions, or faithful to his engagements ; but Charles found that he was betrayed by that perfidious monarch, and therefore, after two years intermission, assembled his faithful parliament : however,

ever, being offended at the remonstrances he met with, he soon dissolved it. The three last years of his life, his affection for his brother made him afraid to meet a parliament: during this period, all seemed to go on smoothly; at the end of it, he determined to change his measures, but sudden death prevented him. That he was unhappy, and meant to change his measures, is now rendered indubitable by his brother's manuscripts; and that he designed to exclude his brother, and substitute his son, is not unlikely. If this king ever had one wish for the happiness of his subjects, it must have been in these last moments of his life; and if he ever reigned in the affections of his people, it must have been in the first days of his accession to the throne.

James the II.—Subjects are so much inclined to have a good opinion of their sovereign, that even James was beloved in the beginning of his reign. His solemn declaration, made at his accession, and often repeated, that he would “preserve the *government* both in *church* and
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and *state*, as it was then by law established," gained him unbounded confidence with his too credulous parliament; whose heedless and inconsiderate liberality, in settling an annual revenue of more than two millions on him for life, made him independent of his people. He never promised to preserve the *religion* of the church of England, as it was then by law established; though his parliament, as it appears, understood him so; for they did not know that he was a Jesuit. The Duke of Monmouth having prematurely excited a rebellion, was soon defeated, taken, and beheaded. Lord Chief Justice Jefferies was sent into the West of England, to try the unhappy prisoners, where he had an opportunity of gratifying his savage disposition, by hanging above six hundred men*, and setting up their quarters in the highway. Such as could pay him well he released. For this service he was made Lord Chancellor, and Baron Wem. This

* Bishop Burnet, p. 648.

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severity had very happy effects ; it prevented the nation from spending it's strength in frequent and ineffectual insurrections, at the same time it opened the eyes of men to see what government they had to expect, and, in the great national effort in 1688 produced vigour, unanimity, perseverance, and success.

The king felt himself too deeply interested in his designs, not to be his own minister. His chief favourites were Judge Jefferies, and his holy confessor, Father Petre, the Jesuit. All such as favoured his designs of establishing Popery, and arbitrary power, were well received at court ; all others were turned out from their employments, and looked upon as enemies. But this was not enough, he must have an army devoted to him ; to accomplish which, he assumed the power of dispensing with the observation of the rest act in his Catholic officers ; and, when this was contested by the Commons, he hastily prorogued them ; and compelled the Judges to give it as their opinion, that the Kings of England have a power
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to dispense with the laws. Four Judges, who would not give this as their opinion, were turned out, and their places were supplied by men who were more tractable. The clergy, finding that all places of trust were filled with Papists, and that the king was new modelling his army, took the alarm, and began to alarm the people, by preaching faithfully against the errors of Popery. To prevent this, the king commanded the Bishops to prohibit their clergy from preaching on the controverted points; and at the same time took care to restrain the press: while the Roman catholics had free liberty to preach against the Protestants, and publish their books over the whole kingdom. To awe the Bishops, and restrain the clergy, James erected a court of ecclesiastical commission, composed of bishops and laymen, Catholics and Protestants, with Judge Jefferies at their head, to determine of all matters of doctrine and discipline. Thus did the king open the eyes of the clergy to see the extravagance of their former doctrine of passive obedi-

ence and non-resistance, with which they had most unaccountably entangled and perplexed both themselves and their congregations.

Above all things, it was necessary for the king to have the parliament at his devotion, till the army should be modelled to his mind: he therefore closeted the members; but to no purpose, they were Protestants, and could not assist him in establishing Popery; they were too discerning not to see, that, having an independent revenue, he wanted only an army at his devotion, in order to render himself perfectly independent of them. As he could not gain them, he dissolved them, and set about procuring a new parliament. That he might have one to his mind, he displaced the Protestant Lord Lieutenants, and put in Roman catholics; he deprived many corporations of their charters, and granted new ones on his own terms; he sent his emissaries to canvass the counties and corporations, by money, promises, and threats, and even made a progress himself, with the same

view, through many counties; but after all, he dared not to call a parliament; and therefore applied himself wholly to the strengthening of his army with Roman catholics and foreigners. Though the king had forfeited the affections of all his subjects, who either valued liberty, or deserved it, he received the most flattering addresses from every part of the kingdom; which to him expressed the real sentiments of his people; while their universal rejoicings on the acquittal of the seven Bishops, who had been confined to the Tower for presenting a very humble petition to the king, these universal rejoicings only testified the discontent of a few obstinate and factious Protestants! It is certain, that, notwithstanding the frequent mortifications the king met with, he indulged, to the last moment, a presumptuous confidence on the affectionate zeal of his Catholic subjects, the absolute dependance of non-conformists on himself alone for protection, the passive obedience of churchmen, and the assistance of France in case of need. He was con-

firmed in his fatal security by the army, which he had encamped on Hounslow-heath, ready to act upon the most sudden emergency in any part of the kingdom. To increase his security, a son was born to him. It was not possible for him, in all these circumstances, to conceive, that in less than six months he would be dethroned and driven from his kingdom, to be an unwelcome guest in France, betrayed by his confidant, his minister, his first convert the Earl of Sunderland; forsaken by his friends, deserted by his army, and pitied only by those who knew his private virtues, for public he had none; and that this revolution would be accomplished without shedding one drop of blood. Yet all this happened, to this cruel, insincere, and treacherous bigot, who neither loved his subjects nor was loved by them, who neither protected them nor found allegiance from them,

Thus have we seen the storm, which had been rising during the reign of James the Ist, burst upon the head of his infatuated son; and though Charles the II^d stemmed

AND ALLEGIANCE, 263

stemmed the torrent for a while, we have seen it continually, yet silently, gathering strength, till, in the reign of James the II^d, it became irresistible, and, when least expected, carried all before it.

Succeeding princes have confirmed the observation, that protection and allegiance are allied. They have been as happy as men are capable of being, and have studied the happiness of their subjects. They have been contented to reign over a free people, and have seen *that people* growing continually in wealth and power, the happy fruits of freedom. They have preserved, not merely the *government* both in church and state, but the *religion* of the church, and the government of the state, as by law established; and withal have given, even to the Roman catholics, as free an exercise of their religion, as is consistent with the safety of the state; and no doubt would have enlarged that toleration, if the Catholics had not acknowledged a superior allegiance to a foreign power.

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§ 3. Wherever the government is a long-established and perfect despotism, there the sovereign, shut up in his seraglio, seldom makes his appearance, either to protect or injure his subjects. In such a government, I have said, the lowest are exalted, and have the disposal of every thing. Thus it was in Egypt. Pharaoh had it in his power to take a stranger, one who had been sold for a slave; and to say "I am Pharaoh, and without thee shall no man lift up his hand or foot in all the land of Egypt." For once he made a happy choice; had it been otherwise, there was none that could stay his hand, or say unto him, What doest thou? Thus it has ever been in the eastern governments; slaves and eunuchs rule in the court of the prince, and in the palaces of the great. Thus it was in the Roman empire, where favourite slaves were first made free, and then governed the Emperors. These freed-men were the rich, these were the great, who disposed of every thing, and neglected not, in the first place, to provide well for themselves.

themselves. Pliny makes mention of a freed-man of the Emperor Claudius, who was worth seven millions of gold, who but a few years before had left his village with his feet naked, and whitened with the chalk with which they marked the slaves.

§ 4. If the sovereign has an exalted love for mankind, in this case he will seek the most able ministers to assist him in the government of his subjects; such was the conduct of our Elizabeth. If the despot has a strong inclination to contract friendships, like Henry the VIIIth, he will be generally governed by a favourite; if he is not disposed for friendship, but loves society and pleasure, like Charles II. he will be guided by his mistresses; “but, where neither the love of mankind, nor the passion for favourites, prevails, the tyrannical temper fails not to shew itself in its proper colours, and to the life, with all the bitterness, cruelty, and mistrust, which belong to that solitary and gloomy state of uncommunicative and unfriendly greatness*.” Examples of

* Lord Shaftesbury's Characterist. vol. ii. p. 136.
this

this are to be found in the annals of every nation. Where the despot is unsociable, morose, and superstitious, he will offer human sacrifices to his God. Such was Mary, and such most likely would have been James the II^d.

§ 5. If the despot, or his favourite, is not a native of the country over which he reigns, strangers are brought in, and over-run the country like caterpillars and locusts, to eat up all the good of the land. The native inhabitants are turned out from all places of trust or profit to make way for them. Such was the conduct of William the Ist, who dispossessed the English of all the baronies and fiefs of the crown in general, and distributed them to the Normans, to whom he had before given all places of trust, and such estates as he had taken from the friends of Harold. Thus, the Tartar princes acted, when they had conquered China. In these cases, the conduct of the despot may be attributed to his partiality for his own countrymen; but in other instances, this practice arises from jealousy,

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as in Denmark. Since the time that the Danish sovereigns have become despotic, it has been their maxim to oppress the nobles, to reduce them to poverty, and to employ only foreigners, and men of the lowest station and education, as being most compliant, and most easily sacrificed to the avarice of the sovereign or the resentment of the people *.

§ 6. While treating of protection, I have occasionally, and indeed unavoidably, been led to speak of allegiance; but I must say something more upon this subject.—Philosophers and politicians tell us, that absolute princes are in a state of *nature*, with respect to those who are under their dominion; because, wherever *any* two men are, who have no standing rule and *common* judge to appeal to on earth, for the determination of controversies of right between them, there they are still in a state of nature †; that a state of na-

* Lord Molesworth's account of Denmark.

† Locke on Government, B. ii. § 90, 91.

ture is a state of perfect equality, wherein all power and jurisdiction is reciprocal *. If this be true, then to a despot no allegiance can be due. If this were universally acknowledged and considered, we should see at once the reason why, "according to the experience of all ages, the security of the monarch diminishes in proportion as his power becomes boundless and immense †."

But the generality of men are not philosophers, nor are they governed by syllogisms. They are moved by something less speculative than arguments. Whenever men experience that "to live by one man's will, becomes the cause of all men's misery ‡," they feel that allegiance is no longer due, and act as in a state of nature. No man has expressed himself more clearly on this subject, and indeed on every subject on which he treats, than Judge Blackstone. He demonstrates (if I understand him right) "that a prince

* Locke on Gov. B. ii. § 4. † *Espr. des Loix* L. viii. c. 7. ‡ Hooker's *Eccl. Polity*.

assuming

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assuming and exercising despotic power, is in a state of nature, with respect to those who are under his dominion; for that there is no stated law or express legal provision between the oppressor and the oppressed, but that the *prudence* of the times must provide new remedies upon new emergencies;” and then he adds, “indeed it is found by experience, that whenever the unconstitutional oppressions, even of the sovereign power, advance with gigantic strides, and *threaten* desolation to a state, mankind will not be reasoned out of the feelings of humanity; nor will sacrifice their liberty, by a scrupulous adherence to those political maxims, which were originally established to preserve it. And therefore, though the positive laws are silent, experience will furnish us with a very remarkable case, wherein *nature* and *reason* prevailed;” he then gives the case of James the II^d; and proceeds, “where both *law* and *history* are silent, it becomes us to be silent too; leaving to future generations, whenever necessity and the safety of the whole

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whole shall require it, the exertion of those *inherent, though latent powers of society, which no climate, no time, no constitution, no contract, can ever destroy, or diminish* * ”. I cannot help observing, that in all the authors I have ever read on this subject, I never met with so beautiful a period.

Despotism is the most simple, and most obvious form of government ; while such a form of government as is free, and yet permanent, requires either a Grecian lawgiver to introduce into a city, or infant empire, or else requires a length of time, and many propitious accidents, to form and perfect ; when, therefore, the people feel themselves oppressed, under the dominion of a despot, they dethrone him ; but most often put another in his place. Thus in China, a family seldom reigns beyond the third or fourth generation, “ because the palace is at variance with the empire, and a lazy set of fellows, who dwell there, ruin the indus-

* Vol. i. 245.

trious part of the nation *." If the people are prevented from revenging the wrongs they suffer, it must be by an armed force; in this case, the despot may be a slave himself, in the midst of his own palace, and surrounded by his guards. Thus the janizaries at Constantinople, like the Prætorian bands in Rome, being masters of the sovereign's person, make him tremble on his throne, and depose him, or exalt him, at their pleasure. The sovereigns of Europe, who are establishing despotic power, seem to be more cautious and circumspect; they divide their troops under different commanders; but when we come to treat of the stability of empires, and foreign conquests, we shall see clearly, I trust, that after all, no throne can ever be permanent, where the sovereign does not reign in the affections of his subjects; for that, universally, protection and allegiance are allied; and that where the sovereign studies the hap-

* Montesq. *Espr. des Loix*, l. vii. c. 7. l. viii. c. 21.

piness of his people, their love to him will be stronger than death ; but that where he prefers a favourite, a mistress, or a priest, to his subjects, their jealousy will be cruel as the grave *.

* Canticles viii. 6.

C H A P. XIII.

ON CONFIDENCE AND JEALOUSY.

§ I. **U**NDER a despotic government, there must be a state inquisition. The few, having a separate interest from the many, must be always on the watch, prepared to nip every conspiracy in the bud, and to quench every spark the moment it appears, knowing that the least delay may cause a general conflagration. The despot must not enquire, if guilty or not guilty, but must at all events secure his own repose, by confining, by banishing, or by cutting off, all suspected persons. To discover these, spies are employed, and informers are encouraged, by the state inquisitors, under all despotic governments. These infamous wretches were in great esteem under the worst

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of

of the Roman Emperors, and had public marks of honour conferred on them by Nero and Tiberius. The inquisitors of Venice not only watch the nobles, lest any one should seize the sovereign power, but, distrusting their own subjects, they observe them with a jealous eye. Nor does the French government act towards its subjects with candour, frankness, and confidence; but evidently betrays fear and suspicion, by employing spies to mix in every company, and by placing them in all the families of the great.—In a country where the subjects are looked upon as enemies, we must expect to see state prisons inaccessible to all, but the unhappy victims of the monarch's jealousy or the favourite's revenge. Here, secluded from the joys of social life, they pass their days in solitude and silence, without ever seeing for a moment one sympathising friend, or hearing the voice of comfort. The pious Christian, urged by the benevolence of his heart, and mindful of these words, "Come, ye
blessed

blest of my Father, inherit the kingdom prepared for you, from the foundation of the world; for I was hungry, and ye gave me meat, I was thirsty, and ye gave me drink, naked, and ye clothed me; I was sick, and ye visited me; I was in prison, and ye came unto me;" the pious Christian, mindful of these words, seeks admittance, that he may administer to the wants, and shed the sympathetic tear over the distresses of his fellow-creatures: he seeks admittance, but he seeks in vain.—Here nothing must be heard but groans, and the rattling of chains, excepting, once in four-and-twenty hours, the grinding of the hinges when the gaoler brings the portion of bread, and the cruse of water. Here, nothing must strike the eye but wheels, and racks, and instruments of cruelty, to terrify the imagination of the prisoner, and to extort from him the names and number of those who had conspired with him, to recover their lost freedom. Here the prisoners must remain till a change of administration, the sovereign's

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death,

death, or some other accident, brings the year of jubilee.

In a country which abounds with spies, there can be no free conversation ; every man is fearful of his neighbour ; universal jealousy and mistrust prevail ; and man, who is the most sociable of all animals ; man, who seeks society that he may communicate his thoughts, must be condemned to perpetual solitude, even in the midst of company, and in the capitol feel more lonely than in the wilderness. This is very striking to every one who has travelled through France, and mixed with the middle class of people. If they appear in any respect contemptible, their government must bear the blame. If a lively, high-spirited people dare not think, and dare not speak, what remains ? *Vive l'amour, vive la bagatelle.* In the cities, you may sit down at their table d'hôte, and never hear one word spoken. At these ordinaries in Paris, the human voice has not been heard during the whole time they have been together. Every man has
bread,

bread, wine, and water, put down by him ; when he has dined, he rises up, goes to the bar, pays his half crown, and walks away in silence. Not having opened his lips, it is impossible that his words should be construed into treason. In higher life, they are less restrained ; but in order to enjoy free communication of thought, they avoid mixt companies, and form themselves into societies, bound together by the sacred ties of honour. In the Venetian territory, they are still more reserved. If a foreigner is desirous of knowing the nature of the government, and addresses himself, for that purpose, to a subject of the Venetian state, he will not be able to procure an answer. They must not talk of state affairs.

§ 2. From the same prevailing jealousy, the press must not be free ; because the people, having lost their liberty, must be kept ignorant of their privileges, and bound with the chains of darkness. Indeed, this would be a great kindness to them, were it impossible for them to gain their liberty ; for happiness depends

much upon comparifon. The bird that is quiet in his cage, instantly testifies his uneafinefs, when he fees other birds at liberty.

As long as the generation lafts, which has enjoyed the fweets of liberty, fo long the remembrance of that liberty will embitter prefent bondage; the defcription of the father will make a deep impreffion on his fon; but in fucceeding generations this impreffion will wear off, provided no lively defcriptions are left upon record, or come tranfmitted from thofe who in happier fports enjoy the charms of freedom. It is merciful, therefore, and politic, in defpotic fovereigns, to refrain the freedom of the prefs. Could we give Louis the XIVth credit for any benevolence of heart, we might imagine it poffible, that his reafon for offering affiftance to the Prince of Orange, and James the IIId, to make the former abfolute in the United Provinces, and the latter abfolute in England, was partly from a principle of compaffion to all the other empires of the world; that,
not

not seeing any one example of a free government, they might look upon the descriptions of the antients as the fictions of poets, and the dreams of madmen.—But we cannot give him credit for such exalted sentiments of humanity ; he meant only to rob these nations of their liberty, that his own slaves might more patiently endure his yoke. Can we think, without abhorrence, of a man who endeavours to put out the eyes of a whole nation, and inflicts the greatest cruelties on those who would restore them to their sight ? But the sovereign has other thoughts, he persuades himself that the whole nation is his property, and the inhabitants his slaves ; that he does them no injury : he is persuaded, that to open their eyes, to shew them the charms of freedom, and to persuade them that it is their birthright, the sovereign persuades himself that this would be stirring up his subjects to rebel, and his slaves to throw off the yoke ; he therefore will not suffer any book to be published in his dominions, until it has been examined, and duly licenced, by

persons receiving authority from himself for that purpose.

This restraint upon the press, must of necessity stop the progress of literature : but under a despotic government, this is no great evil ; for between despotism and the sciences there is so little agreement, or rather there is such an irreconcilable enmity, that it would be well they should never meet. The yoke of despotism depresses and debases the human mind, while the sciences ennoble and exalt it. It is the interest therefore of the despot to keep the sciences at the greatest distance. Leo X. little thought what he was doing, when he encouraged men of science ; but he was young, of a lively imagination, and of a refined taste, and to these he sacrificed the despotic power of the Roman See. Before his time, persons of the highest rank, and in the most eminent stations, could neither write nor read. Many of the clergy did not understand the Latin breviary, which they were obliged daily to recite, some of them could scarcely read it * ; blessed times for

* Robinson, Charles V. p. 21.

despotic

despotic power ! From the time of Leo X. the minds of men, enlightened by science, enlarged by observation, and strengthened by exercise, began to entertain a more just opinion of the dignity and rights of human nature ; all felt the yoke, many cast it off*. Under a despotic government, only one book should be allowed, and that the subjects should never read. The argument of the Caliph Omar, it must be confessed, was bad ; but his conduct was wise, when he refused to grant the request of his General Amrou to preserve the magnificent library of Alexandria ; “ What is contained in these books you mention, is either agreeable to what is written in the book of God, or it is not ; if it be, then the Alcoran is sufficient without them : if otherwise, it is fit they should be destroyed.” These invaluable manuscripts were therefore committed to the flames. Slaves, under a despotic government, have no need of books ; their minds should be conformed to their condition.

* Blackstone, vol. iv. p. 434.

§ 3. From the prevailing jealousy of despotism, dissensions are fomented, whether these exist between different bodies in the state, between the nobles, or between the branches of the royal family : many examples of all these might be produced from the English history. I shall satisfy myself with a striking instance in the Venetian state. Bishop Burnet, speaking of the nobility of Padua, tells us, " that the Venetian senate encourages the antient jealousies and quarrels, which still subsist among them, for the sake of the compositions and confiscations consequent on their mutual assassinations ; that at some times of grace, when the senate wants money, and offers a pardon to all who will compound for it, the number of the guilty persons is incredible. He was assured by Mons. Patin, that there were thirty-five thousand pardoned at the last grace in Vencenza, and the country belonging to it *." Whether this relation be true or false in its full extent, we may venture to affirm, that

* Burnet's Travels through Italy, p. 125.

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avarice is not their only motive; for it is a well known and universal maxim, in despotic governments, to promote divisions.

§ 4. From the same jealousy the subjects are disarmed, and foreign mercenaries are employed. This is more or less the policy of all monarchs. The Kings of France have their Italian, Swiss, and Irish regiments; the Sultan is guarded by his Janizaries: and the Venetians have none but foreign troops, commanded by foreign officers, because, if the citizens had the use of arms, they would soon expel the tyrants, and regain their liberty.

§ 5. In a country where subjects enjoy their freedom, there is no need of spies, because it is every man's interest to support the government; and if any are so vicious, profligate, and abandoned as to aim at its subversion, every virtuous citizen will watch their motions, and endeavour to bring their conspiracies to light: thus from a principle of virtue did Cicero discover and defeat the conspiracy of Cataline. Soon as the Syracu-
fans

fans had a prospect of regaining freedom, they fell upon the spies and informers who had been employed by Dionysius, and knocked them on the head, such men being useless and intolerable in a free state.

§ 6. Under a free government, the press is free; that is, men have the same liberty to communicate their thoughts by writing as by speaking, being at the same time accountable for what they publish, whether by printing or by word of mouth. Freemen do not claim a right of bringing private characters to the bar of the public, where the accuser is not bound to prosecute, where he is not confronted with the accused, and where the witnesses are not examined upon oath; but freemen claim a right of examining public measures, and of descanting to a certain degree on public characters, where the facts are of public notoriety. This is the share of government which the free citizens have reserved to themselves, and certainly it is a moderate share. The executive power of the state is in one person,

person, the legislative in many, but all have a right to judge whether the legislative and executive powers are exerted with wisdom and with justice. In a free state, says Judge Blackstone, what the people cannot do by themselves, they do by their representatives; certainly then there is no need that they should do that by representatives, which they can do better by themselves, at least more to their satisfaction, that is, to descant on public characters and public measures; and indeed they alone are able to describe their own feelings and opinions. As this privilege is claimed and enjoyed by every proprietor in all trading companies, so is it claimed and enjoyed by all free citizens in a free government.

§ 7. Under a free government the citizens have arms. Judge Blackstone says, "in vain would the rights of Englishmen be declared, ascertained, and protected by the dead letter of the laws, if the constitution had provided no other method to secure their actual enjoyment. It has therefore established certain other
auxiliary

auxiliary subordinate rights of the subject, which serve principally as barriers to protect and maintain inviolable the three great and primary rights, of personal security, personal liberty, and private property. The last of these is the right of having arms for their defence, suitable to their condition and degree, and such as are allowed by law. Which is also declared by the same statute 1 W. and M. 2. chap. 2. and is indeed a public allowance, under due restrictions, of the natural right of resistance and self-preservation, when the sanctions of society and laws are found insufficient to restrain the violence of oppression."

In a free government this degree of confidence is *safe*, because, this government being instituted for the protection and benefit of all, it is the interest of all to preserve it in its purity and vigour. In a free government this degree of confidence is *just*, because men, by entering into society, can never be supposed to give up the natural right of resistance and self-preservation, when the sanctions of
society

society and laws are found insufficient to restrain the violence of oppression. In short, the language of Queen Elizabeth is the language of all free governments : “ I can never believe any thing of my people, which a parent cannot believe of his own children :” while, on the other hand, “ the slaves of despotism can have no confidence in the sovereign, and therefore the sovereign can have no confidence in them.”

C H A P. XIV.

ON THE STABILITY OF EMPIRE.

§ 1. **W**E have already considered the instability of the throne under the Roman Emperors and the Turkish Sultans; the former being often deposed and murdered by the Prætorian bands, and the latter by their Janizaries. The Emperors of China are not more securely seated. Such is the weakness of that government, and so little affection have the subjects for their sovereign, that the leader of a successful gang of robbers, marching to the capitol, is able to dethrone the Emperor, and take his place*. Baron Montesquieu well observes, “all our histories are full of civil wars without revolutions, while the histories of despotic go-

* Montesq. l. viii. ch. 21.

vernments

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vernments abound with revolutions without civil wars*." If abuses have crept into a free government, men of rank, men of fortune, men of principle may step forwards and expostulate; and their expostulation will often be sufficient to obtain redress; but supposing they have expostulated in vain, and that they are obliged to have recourse to arms, they take the lead, they keep their object still in view, and, knowing that it is not their interest to subvert the government, they seek only redress of grievances, and hasten to a reconciliation. In a despotic government, men of rank and fortune dare not step forth, because they would be instantly sacrificed to the blind resentment of the sovereign; the people therefore take the lead; none but the most violent counsels are listened to; each hurries on the other to take revenge rather than to seek redress, 'till, excited to the highest pitch of fury, they destroy by fire and sword, not only the persons, but the

* Montesquieu, lib. v. ch. 11.

very mansions of their governors. Virgil's description of Polypheme is applicable to an enraged people, hurried away by the brutal passion of revenge.

Monstrum horrendum, informe ingens; cui lumen ademptum.

§ 2. In order to defend themselves from the blind fury of this monster, despotic sovereigns have had recourse to standing armies and foreign mercenaries; and to secure themselves from these, the princes of Europe have multiplied their forces, and separated them under subordinate commanders, reserving to themselves the command in chief. Formerly, indeed, the sovereigns of Europe were liable to be deposed, like those of Asia, by their soldiers. As our German ancestors elected their own generals, and gave them the command of armies independent of the sovereign, so likewise did the Franks and Saxons; the former settled in Gaul, the latter in Britain.

These generals, called in France mayors of the palace, and in England dukes, having

having the supreme command of the military force, could easily dethrone the monarch; but now, every sovereign is generalissimo over all the forces of his dominion, and has little therefore to fear from his own subjects. Notwithstanding these precautions, their empire is precarious, and from the very nature of their government must be so. The principle of despotic government is fear; it has no occasion for virtue, and honour would be extremely dangerous *. From the jealousy of this government, the subjects are disarmed, and in consequence must be unacquainted with military discipline; they are oppressed, and in consequence their spirits must be broken. Men who fight for their religion, their liberty, their laws, will fight like men; but it never can be expected that slaves will fight, who have nothing to fight for: they may be compelled to enlist, they may be driven to the field of battle; but

* Montesq. lib. iii. chap. 9.

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they will not fight. Even veteran soldiers have suffered themselves to be cut in pieces, rather than obtain laurels for those by whom they thought themselves ill-used. How then can it be expected, that men who have been robbed of their liberties, plundered of their substance, degraded and oppressed, should freely shed their blood to maintain the empire of a despotic sovereign? Have they an enemy more to be dreaded than the tyrant who subverts their liberty, and who knows no other law but his own capricious will, his avarice, his cruelty, his lust, or his ambition? Can they be in a more humiliating condition, or does it matter to them who wears the crown, or to whom they pay their tribute? If they are invaded by a Caligula, a Nero, a Caracalla, they may dread the most atrocious acts of wanton cruelty, and therefore may resist; if the invader be a prince of milder disposition than their own sovereign, they must look upon him as a deliverer; if they are uncertain of his disposition, it will be a matter of indifference to them, which

which of the two contending monarchs is victorious. To confirm these propositions, let us consider with how much ease Egypt has always been subdued. This kingdom, governed at first by wise and equitable laws, grew in wealth and power; but aiming at foreign conquests, she increased her standing army, and lost her liberty. Sesostris extended the bounds of his vast empire, and raised it to the highest pitch of glory; but after the people had been depressed, dispirited, and disarmed, the country was ravaged by Sennacherib, and conquered first by Nebuchadnezzar, then by Cambyfes, after whose death it revolted, and was reduced to a state of more abject subjection by Xerxes, in the beginning of his reign. Assisted powerfully by Athens, the Egyptians cast off the foreign yoke, but were soon compelled by Artaxerxes to submit to it again: after his death the Persians were driven out, but at the end of six years returned, and established themselves in Egypt for a time. The Persians were again expelled, and Egypt was governed

by her own despotic sovereigns till the reign of Ochus, one of the last Persian monarchs, who determined to reduce Egypt, and exterminate the royal family. This purpose he accomplished with no great difficulty, for Nectanebis, who was deposed by him, was the last king of the Egyptian race; since whom it has continued under a foreign yoke, according to the prediction of Ezekiel*. When Alexander with his Macedonians entered Egypt, he met with no resistance; the people every where flocked to him as to a deliverer; the gates of Memphis were thrown open, and thus did he possess himself of all Egypt, without shedding blood; so indifferent was it to the Egyptians who should be their sovereign. At the death of Alexander, his empire being divided, Egypt was the lot of Ptolemy, while Seleuchus possessed himself of Asia. Between the successors of these princes there arose a contest, which soon terminated in the easy conquest of the

* Ezekiel xxix. 14, 15. Rollin Ant. Hist. vol. 6.

greatest part of Egypt; for Antiochus was received with open arms by a wretched people, who knew not where to look for protection; not finding it in him, they sought it from the Romans. The final conquest of this kingdom for the Romans, was made by Octavius Cæsar, by the defeat of Anthony and Cleopatra; at whose death Egypt was reduced into a province, and continued under the dominion of the Roman and Grecian emperors, till it fell into the hands of Omar, the second Caliph after Mahomet; since which it has been subdued by the Mammalukes, and lastly by the Turks. Egypt, the richest country in the world, has almost from the earliest records been inhabited by slaves; and the consequence has been, that no country has been more subject to revolutions: whereas Carthage, blessed with a free government, resisted the power of Rome for upwards of a century, and was actually engaged in war five and forty years before she could be subdued, and then lost her existence together with her liberty.

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In the establishment of the Babylonish empire, no country resisted the conquerors with so much obstinacy as Tyre; this city endured a siege of thirteen years, during which "every head was made bald, and every shoulder was peeled*." Rather than submit at last to lose their liberty, the Tyrians left their city. That this was a free city, we may judge by the government of Carthage, which was a daughter of Tyre. The Persians found little difficulty in overturning the Assyrian Empire, because this was only a contest between the sovereigns: when they invaded Greece with their innumerable hosts, they were opposed by men who fought for liberty, and therefore they could make no impression; but, after the strongest efforts, were obliged to retire, and for ever to give up the thoughts of conquest. With less difficulty did the Macedonians possess themselves of the Persian empire; the conquests of Alexander were so rapid, that he hardly

* Ezek. xxix. 18, 19.

seemed

seemed to touch the ground †. It cost Philip more time and trouble to subdue one of the states of Greece, than Alexander took to overturn the vast empire of the Persians; nor would Philip ever have succeeded by the mere force of arms; he knew a safer and more certain way of subduing a free people, than meeting them in the field of battle.

The experience of the Romans confirms my propositions. The contest between Rome and Carthage was obstinate and bloody. None but a free city could have survived the battle of Cannæ; none but a free city could have made such efforts as Carthage made, after delivering up her arms: but what will not the love of freedom do? After the fall of Carthage, the Romans met with little opposition in their progress to universal empire. It cannot escape the observation of any one conversant in history, that the Persian, Macedonian, and Roman empires were founded in wisdom and moderation. Infinite pains had been taken in the educa-

† Dan. viii. 5.

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tion of Cyrus and Alexander, who went forth, and were at first received as deliverers rather than as conquerors. The wisdom, justice, and moderation of the ancient Romans has been universally admired; but the best dispositions in the world are corrupted by the acquisition of power. It would be very easy to account for this; the fact itself is confirmed by the history now before us. We have two different characters of Cyrus; that of Xenophon perhaps belonged to him while he was surrounded with powerful enemies and struggling with difficulties, *nam crescit sub pondere virtus*: the character which Herodotus gives of him was, perhaps, more suitable to Cyrus in the full career of victory, or when he had triumphed over all opposition; when he had many to manage, though none immediately to fear; when every knee was bent before him; when, fatiated with triumphs, he had made the fatal discovery, that "he had been pursuing a vain shadow, and disquieting himself in vain;" when, debauched by flatterers, he could

no

not endure the truth; or when, accustomed to victory, he was become impatient of contradiction or delay. Certain it is, two characters belong to Alexander also; and equally certain, that the triumphant Romans forgot the wisdom, justice, temperance, and moderation which had been the foundation of their empire. In the latter period of the Roman History, in vain shall we look for that people, who, by a herald at the Isthmian games, proclaimed liberty to all the states of Greece; but perhaps even at this period the Romans were corrupted, and meant only to detach these states from Philip, that Macedonia might afford them a more easy conquest; if so, it answered well. Certain it is, those nations made the least opposition to the Romans, who groaned under the heaviest yoke, and therefore felt it either a matter of indifference to what conqueror they submitted, or looked upon the Roman people as deliverers; and such at first they were. In order to establish and confirm their empire, the Roman sovereigns found it necessary to disarm

disarm their subjects, and to keep up in each province a great military force under the immediate command of governors; who by that means were enabled with impunity to plunder the miserable inhabitants. The great body of the people, dispirited and disarmed, were little able to bear the rude shock of barbarous but free nations, who in the beginning of the fifth century broke with irresistible impetuosity into the Roman empire. The Roman legions were no longer composed of citizens and freemen, actuated by a love of their country; they were filled up from the conquered provinces, with men whose spirit had been broken by long-continued oppression; or from the unconquered nations, whose martial spirit, being in full vigour, soon learnt to despise a disarmed, dispirited, and enslaved people. The Roman emperors had no longer the same troops, who, under consuls, had subdued the Gauls, the Cimbri, the Teutones; nor had they any similar force to oppose the violent irruption of the Goths, Hunns, and Vandals, to whom
they

they had taught the art of war. These fierce nations, finding nothing able to withstand them, were at first contented with plundering the frontiers of the Roman empire ; but, when nothing was left to plunder in the adjacent parts, ravaged by frequent incursions, they extended their inroads into the southern provinces, where, invited by the fertility of the soil, and mildness of the climate, they formed many settlements and erected new kingdoms. Long before the end of the fifth century the whole western empire was overturned. Doctor Robinson very well observes, in accounting for the instability of the Roman empire, " The jealousy of despotism had deprived the people of the use of arms ; and subjects oppressed and rendered incapable of defending themselves, had neither spirit nor inclination to resist their invaders ; from whom they had little to fear, because their condition could hardly be rendered more unhappy *."

* Robinson, Charles V. vol. i. p. 8.

From

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From the same causes, the eastern empire was unable to withstand the repeated shocks it received from the Hunns on one side, the Persians on the other, succeeded by the powerful invasion of the Saracens, few in number, but of undaunted courage. This people, coming out of the desarts of Arabia, enured to hardship, fired with zeal for their new religion, encouraged by every victory obtained over the slaves of the Grecian emperor to rush forwards in search of fresh triumphs, flushed with success wherever they turned their arms, never rested till the whole of the eastern empire was subdued. Their conquests were rapid, and obtained at a small expence of blood, because they had no free nation to encounter. They left men in a better condition than they were in before, reducing to slavery only those who opposed their arms, but protecting in the peaceable possession of their religion and property all who submitted, and paid the established tribute. Their strict adherence to truth, and their impartial administration

ministration of justice, in the infancy of their empire, contributed greatly to its establishment. In the infancy of all these empires, individuals could have but little temptation to injustice, for the conquerors were all remarkable for their temperance. A few cresses and a bit of bread served to appease the hunger of Cyrus and his Persians. The temperance and moderation of Alexander were no where more conspicuous than in the tent of Darius. The Roman generals cultivated with their own hands their little farms, even so low down as the end of the fifth century of their empire; and their dictators were taken from the plough. The Arabians were satisfied with barley-bread and milk. Had the Hungarians been a free people, Solyman would not have been able, in the sixteenth century, to cut to pieces with the greatest ease the king, and the flower of the Hungarian nobility, with twenty thousand men; nor could he have carried away two hundred thousand miserable inhabitants into captivity. But what resistance

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sistance could undisciplined slaves, without arms, be expected to make against well-disciplined and victorious troops?

We have seen that men who fight for their religion, their liberty, and their laws, fight like men; but that men will have neither ability or inclination to fight, who have nothing to defend: hence arises the security of a free state from external violence, and from hence arises the instability of a despotic empire. Should the United Provinces, who exerted themselves for forty years in continual struggles with the King of Spain to maintain their liberty, ever be subdued to receive the yoke of despotism, they will be from that period able to make none but feeble resistance against a foreign enemy, and must inevitably become a province either to France, the Emperor, the king of Prussia, or to some new power which may arise and establish itself on the ruins of them all. All the empires on the continent are fluctuating, they have no stability, they can have none. Every war produces conquests, ends in concessions, and

and lays the foundation for future wars. We have seen in our own days the bounds of the Prussian empire greatly extended ; we have seen Silesia torn from the house of Austria, and added to the dominions of the king of Prussia. We may live to see it reconquered by the emperor of Germany, or making part of the Russian empire. This rich country, two hundred miles in length, and seventy broad, is either supposed to have no inhabitants, or the inhabitants are supposed to have no property ; for they are not suffered to settle their own government, nor to choose their own protectors, but must abide the fate of war between their contending neighbours. It is perhaps a matter of indifference to them to whom they pay their tribute, to the queen of Hungary, to the king of Prussia, or to any other potentate ; but their misfortune is, that, having no choice of their own, enjoying no liberty, their government must be on that very account precarious, and their country must be the seat of war as often as their neighbours please to

X

make

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make it so. The same may be said of the dutchy of Lorraine, or of Livonia, that fertile province, which, having received the yoke of despotism from the hands of Charles II. was soon torn from Sweden, and is at present the most valuable province in the Russian empire. On the continent, that despotic government which maintains the fewest troops, will be liable to be attacked by its powerful neighbours; that empire which maintains the greatest standing army, being most oppressed, will have the least inclination to defend itself. The Prussian empire, therefore, which supports a military force disproportionable to the extent of the dominion, must internally be weak, and will inevitably fall a sacrifice to the ambition of its neighbours, whenever it fails to be supported by the vast abilities of its sovereign.

Our island, it must be confessed, has some peculiar advantages: bounded by the ocean, and bounded more securely by the peculiarity of our religion, it might be thought, that should, in any future period,

riod, despotism be introduced, yet our empire might be permanent. Difference of religion is certainly a strong barrier, where men have arms, and the use of arms; but no bounds will secure an empire, when it is become internally weak; witness the Grecian empire, overturned by the Mahometans! witness this island, after the departure of the Romans! and witness all the great empires of the world, overturned with ease by succeeding conquerors! If ever therefore this country should lose its liberties, dispirited and disarmed, it must accept the religion of the conqueror, and become either for a time the seat of empire, or most likely return once more to its provincial state, subject to a foreign power; or become a prey to every fierce invader, as of old, whether under the name of Picts, Danes, Saxons, Normans, or any other name unknown among the nations and empires now existing; for instability is a strong feature in the character of all despotic governments.

The conclusion I would draw from all that I have said is this:—"to live by one

man's will is the cause of all men's misery*." Can we then be surprized that God, who wills the happiness of all men, should testify his abhorrence of this form of government? The Israelites are not blamed for chusing captains to go before them to battle, or judges to determine the controversies which might arise among them; but for wishing to have such a king as governed the nations round them, a despotic sovereign; for to such a sovereign alone can the prophet's description be applied:—"And the Lord said unto Samuel, Hearken unto the voice of the people in all that they say unto thee; for they have not rejected thee, but they have rejected me, that I should not reign over them. According to all the works which they have done since the day that I brought them up out of Egypt, even unto this day, wherewith they have forsaken me, and served other gods; so do they also unto thee. Now therefore hearken unto their voice: howbeit, yet protest solemnly unto them, and shew

* Hooker, Ec. Pol.

them

them the manner of the king that shall reign over them. And Samuel told all the words of the Lord unto the people, that asked of him a king. And he said, This will be the manner of the king that shall reign over you: he will take your sons, and appoint them for himself, for his chariots, and to be his horsemen; and some shall run before his chariots. And he will appoint him captains over thousands, and captains over fifties; and will set them to ear his ground, and to reap his harvests, and to make his instruments of war, and instruments of his chariots. And he will take your daughters to be confectionaries, and to be cooks, and to be bakers. And he will take your fields, and your vineyards, and your oliveyards, even the best of them, and give them to his servants. And he will take the tenth of your seed, and of your vineyards, and give to his officers, and to his servants. And he will take your men-servants, and your maid-servants, and your goodliest young men, and your asses, and put them to his work. He will

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take the tenth of your sheep: and ye shall be his servants. And ye shall cry out in that day, because of your king which ye shall have chosen you; and the Lord will not hear you in that day. Nevertheless, the people refused to obey the voice of Samuel; and they said, Nay, but there shall be a king over us; that we also may be like all the nations; and that our king may *judge us, and go out before us, and fight our battles* *."

The government of the Jews had been hitherto a theocracy. Their laws were promulged by God himself, and the judges, who put those laws in execution, received their commissions immediately from him. He raised up, from time to time, captains to go out before the people, and to fight their battles; nay, he himself often appeared on their behalf as the Lord of Hosts, and put their enemies to flight. The laws by which they were governed, excelled the laws of all other

* 1 Sam. viii. 7—18.

nations in wisdom and equity*; yet so foolish and infatuated was the nation of the Jews, in the days of Samuel, as to reject the providential government of God, and to seek the protection of such a sovereign as governed the nations of the East; to reject a government administered by wise and equitable laws, and to submit willingly to brutal force. They were not blinded by the splendor of the neighbouring courts, and thereby led to wish for a display of such pomp and magnificence among themselves; but they foolishly imagined, that if, like the nations round them, they should have a regular succession of kings, supported by a standing army, they should no more be liable to be taken by surprise, or sold into the hand of the enemy for their transgressions, as they had often been before. They judged right in this respect; but then they did not properly consider, that the most formidable of all enemies, is the sovereign armed with

* Deut. iv. 8.

despotic

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despotic power. Of this the prophet endeavoured to make them sensible. He informed them, that if they would have such a king as governed the nations around them, he would have an unlimited revenue to support the dignity of his throne ; that, so far from protecting them in the peaceable enjoyment of their property, he would take it from them by violence, to enrich his favourite servants ; and that, to defend himself from their just resentment, he would be surrounded by his numerous guards, keeping on foot a standing army as the ministers of his vengeance, and the guardians of his lawless power : nay, that he would even compel their sons to serve in his armies against their wills, and to assist him in binding fetters on their fellow-citizens, their friends, and their relations : in one word, that they should be his slaves. Notwithstanding this description, they persisted obstinately in their demand, until they had provoked their God in anger to comply with their request. Above three hundred years after this event, God re-

minds them of their sin and folly ; at the same time comforting them with gracious promises of favour and protection ; promises, by the bye, which refer to the spiritual kingdom and peaceful reign of the Messiah : “ O Israel, thou hast destroyed thyself, but in me is thine help. I will be thy king ; where is any other that may save thee in all thy cities ? And thy judges, of whom thou saidst, Give me a king and princes ? I gave thee a king in mine anger, and took him away in my wrath *.” If the scattered tribes of Israel have reason to rejoice in the prospect of their Messiah’s reign ; with no less reason may the slaves of Asia and of Europe triumph in the joyful expectation of a future period, when “ the mountain of the Lord’s house shall be established in the top of the mountains, and shall be exalted above the hills ; and all nations shall flow unto it. When many people shall go and say, Come ye, and let us go up to the mountain of the Lord, to the house of the God of Jacob ; and he will

* Hosea xiii, 9—11.

teach

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teach us of his ways, and we will walk in his paths : for out of Zion shall go forth the law, and the word of the Lord from Jerusalem. And *he shall judge among the nations*, and shall rebuke many people ; and *they shall beat their swords into ploughshares, and their spears into pruning-hooks* : nation shall not lift up sword against nation, neither shall they learn war any more *.” Asia has long since borne the yoke, and Europe is bowing down to receive it : most of her free-born sons have already lost their boasted liberty, and despotism supports her empire with a military force. Europe swarms with soldiers ; their numbers are increasing, and will increase, until like caterpillars and locusts they have ate up all the good of the land.

It is indeed, to adopt the poetic description of the prophet, a day of darkness and of gloominess, a day of clouds and of thick darkness, as the morning spread upon the mountains ; the sun and the moon are darkened by them, and the stars

* Isaiah ii. 2, 3, 4.

withdraw their shining*. Yet through this darkness we may discover a gleam of hope; a ray of light darts from the throne of God, to cheer the disconsolate inhabitants of the earth, who are lamenting their lost liberties, and groaning under the yoke of their oppressors; for "there shall come forth a rod out of the stem of Jesse, and a branch shall grow out of his roots. And the spirit of the Lord shall rest upon him; the spirit of wisdom and understanding, the spirit of counsel and might, the spirit of knowledge, and of the fear of the Lord; and shall make him of quick understanding in the fear of the Lord; and he shall not judge after the sight of his eyes, neither reprove after the hearing of his ears. But with righteousness shall he judge the poor, and reprove with equity, for the meek of the earth: and he shall smite the earth with the rod of his mouth, and with the breath of his lips shall he slay the wicked. And righteousness shall be the girdle of his loins, and faithfulness the girdle of his

* Joel ii. 2, 30.

reins. The wolf also shall dwell with the lamb, and the leopard shall lie down with the kid; and the calf, and the young lion, and the fatling together; and a little child shall lead them. And the cow and the bear shall feed; their young ones shall lie down together: and the lion shall eat straw like the ox. And the sucking child shall play on the hole of the asp, and the weaned child shall put his hand on the cockatrice den. They shall not hurt nor destroy in all my holy mountain: for the earth shall be full of the knowledge of the Lord, as the waters cover the sea*.

Then shall the poetic fiction of the golden age be realized; the Christian religion shall not only be universally received, but shall have a universal influence; the beast†, despotic power, shall be destroyed; and thus shall the kingdoms of this world, become the kingdoms of our God and of his Christ‡.

* Isaiah xi. 1—9.

† Daniel vii. 3—24.

‡ Revel. xi. 15.

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E R R A T A.

Page 18, line 6, *read* can be *permanently* free.

— 74, line last but two, *for* § 8. *read* § 7.

— 78, line 1. *dele* § 2.

— 135, lines 9 and 13, *for* Scylla, *read* Sylla.

— 166, line 2 from the bottom, and p. 167, 1st line, should have been thus pointed, “ Every one who is industrious may gain subsistence where agriculture, the arts, manufactures, and commerce are encouraged. These are,” &c.

Page 306, line 5, *for* Charles II. *read* Charles XI.

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